



CRM-M-57725-2024

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-57725-2024 (O&M)

Date of decision : 9.1.2025

Sunny Singh @ Kala

... Petitioner

VERSUS

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Hitesh Verma, Advocate,
for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab

KARAMJIT SINGH, J. (Oral)

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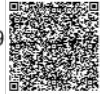
Allowed as prayed for.

Main case

Prayer in the present petition is for grant of regular bail to the petitioner in case having FIR No.128 dated 3.10.2024 registered under Sections 21, 29 of NDPS Act at Police Station Barnala, District Barnala.

2. The allegations in nutshell are that the police recovered 310 tablets of Alprazolam weighing 44 grams from possession of the present petitioner on 3.10.2024 and since then, the petitioner is in custody.

3. Counsel appearing on behalf of the petitioner, *inter alia*, submits that the petitioner is falsely implicated in the present case and is incarcerated for the last more than 3 months; that the aforesaid contraband comes under non-commercial quantity and thus, stringent provisions of



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Section 37 of NDPS Act are not attracted. It is further submitted that after completion of investigation, challan has been presented and charges are also framed but till date, no prosecution witness is examined and it will take time for the trial to conclude; that in the given circumstances, no purpose is going to be served by prolonging judicial custody of the petitioner.

4. Present petition is resisted by the State counsel who submits that no doubt, recovery effected from the petitioner comes under non-commercial quantity of contraband but the petitioner is having criminal history as is detailed in his custody certificate. State counsel has not disputed the fact that the petitioner is behind bars for the last more than 3 months and challan has been presented and charges are also framed but the prosecution is unable to examine any witness out of total 11 witnesses.

5. I have considered the submissions made by the counsel for the parties.

6. As the case is relating to recovery of non-commercial quantity of contraband, stringent provisions of Section 37 of NDPS Act are not applicable in the instant case. Further, on completion of investigation, the police has presented challan but it will take time for the trial to conclude after framing of charges. The petitioner is in custody for the last more than 3 months. In the given circumstances, no useful purpose is going to be served by prolonging the judicial custody of the petitioner even if he is having criminal history under NDPS Act.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to



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the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate
concerned.

(KARAMJIT SINGH)
JUDGE

January 9, 2025

Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No