



CRM M-49151-2024 (O&M) [1]

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM M-49151-2024 (O&M)
Date of Decision: 28.01.2025**

Dharminder Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present : Mr. Lavanya Gupta, Advocate for the petitioner.
Mr. Rohit Bansal, Sr. DAG, Punjab.

HARKESH MANUJA, J. (ORAL)

By way of present second petition filed under Section 439 of Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.120 dated 12.06.2023 under Sections 15, 18, 25, 29 of NDPS Act, 1985, registered at Police Station Samrala, District Ludhiana, whereby the petitioner has been implicated with the allegation of recovery of 03 kg opium.

2. Status report by way of affidavit of Sh.Tarlochan Singh, DSP, Samrala, Police District Khanna, District Ludhiana along with custody certificate has been filed in Court today. The same is taken on record. Registry to tag the same at appropriate place.

3. Learned counsel for the petitioner submits that the investigation already stands concluded with the filing of challan; the petitioner is in custody for the last more than 01 year and 07 months; trial is likely to take some time to conclude as out of total 19 prosecution witnesses, only 03 have been examined and thus he deserves the concession of bail.

4. On the other hand, the prayer made on behalf of the petitioner has been opposed by learned State counsel while referring



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to the antecedents of the petitioner having involved in one more case of NDPS Act though relating to recovery of non-commercial quantity, but was convicted and thus he does not deserve the concession of bail.

5. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.

6. In the present case, investigation already stands concluded with the filing of challan, followed by framing of charges and out of 19 prosecution witnesses, only 03 have been examined. The petitioner is in custody for the last about 01 year, 07 months and 10 days, in such circumstances, considering the fact that the trial is likely to take some time, I do not find any justification to extend the incarceration of the petitioner.

7. Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/ surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

8. Pending miscellaneous application(s), if any, shall also stand disposed of.

28.01.2025
sanjay

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned ?	Yes/No
Whether Reportable ?	Yes/No