

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-7161 of 2017

Date of decision : May 18, 2017

Gurcharan Singh @ Gora

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Rishu Mahajan, Advocate, for the petitioner
Mr. RS Randhawa, Addl. AG, Punjab for the respondent-State

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Gurcharan Singh @ Gora in this regular bail application under section 439 Cr.P.C. are that on 27.8.2016, the petitioner while riding a motorcycle along with co-accused non-applicants, 250 grams of smack was recovered from Harjinder Singh @ Jinder and from beneath the seat of the motorcycle, 20 grams more smack was recovered.

The contentions of the counsel for the petitioner are that the petitioner is in custody since 27.8.2016 and that the trial is not likely to be concluded in near future and that the co-accused of the petitioner has already been granted the bail by this Court. The bail has been opposed by the learned State counsel on the grounds that narcotic substance has been recovered from the petitioner and his co-accused.

Keeping in view the substantive period of incarceration, in view of principle of parity and the fact that the trial is not likely to be concluded in near future, without adverting to the merits of the case, the instant application is allowed. Bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Amritsar.

The present petition stands disposed off accordingly.

The observations made herein above shall not be binding on the trial court at the time of trial as these are purely for the disposal of the present bail application.

May 18, 2017
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No