

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

CRM-M No.29054 of 2017 (O&M)

Date of decision : 18.05.2018

Gurdev Singh

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. K. S. Khehar, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. A. G., Punjab.

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DAYA CHAUDHARY, J. (Oral)

The petitioner has approached this Court by way of filing present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.51 dated 03.05.2013 under Section 21/65/81 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – 'the NDPS Act') and Section 25 of the Arms Act, 1959 registered at Police Station Kartarpur, Jalandhar City.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas there is no connecting evidence. Petitioner is not involved in any other case of NDPS Act and he

cannot be said to be a person of criminal background. Learned counsel further submits that the petitioner is in custody for the last more than 05 years and it is not a case of the prosecution that the petitioner ever misused any concession granted to him or avoided the Court proceedings. There are total 18 prosecution witnesses and 15 witnesses have been examined, 02 witnesses have been given up. Learned counsel also submits that 04 prosecution witnesses have not been cross-examined and it will take some time to conclude the trial as even the defence witnesses are also to be examined. There are all official prosecution witnesses and there is no possibility that the petitioner may influence them and tamper the prosecution evidence. Petitioner is ready to abide by all the terms and conditions to be imposed by the Court.

Learned State counsel, on instructions from ASI Gurmeet Ram, has not disputed the custody period as well as stage of the trial. However, he opposes the bail only on the ground that the trial is likely to be concluded shortly as 15 witnesses have been examined out of total 18 prosecution witnesses and 02 witnesses have been given up. Recovery is very heavy as 5 kilogram heroin was recovered from the petitioner.

Keeping in view the submissions made by learned counsel for the parties and by considering this fact that the petitioner has undergone custody of more than 05 years, there is no other case of NDPS Act against him, 04 prosecution witnesses have not been cross-examined so far, still some of the prosecution witnesses remains to be examined and the trial may take some time as defence witnesses are also to be examined, the present

petition is allowed and the petitioner is directed to be released on regular bail to the satisfaction of the trial Court/Duty Magistrate, Jalandhar.

18.05.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No