

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

**CRM-M No. 19436 of 2019
Date of Decision:-07.05.2019**

Gurdev Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Vivek K. Thakur, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

MANOJ BAJAJ J.(Oral)

This is third petition filed by petitioner-Gurdev Singh praying for grant of regular bail in case FIR No.2 dated 06.1.2017, under Section 15 of NDPS Act, registered at Police Station Mamdot, District Ferozepur. Earlier two petitions filed by the petitioner for the same relief were dismissed as withdrawn. The petitioner is in custody since his arrest on 06.1.2017.

As per the version in the FIR, on 06.1.2017, petitioner Gurdev Singh along with co-accused Jasvir Singh and Amerjit Singh were coming from the side of Fate Wala Uttar on vehicle make Xylo bearing registration No.PB-05Y-0785. When they were signaled to stop the vehicle by the

police party, present at the bridge of canal Rahime ke Uttar, then the petitioner perplexed and applied sudden break and started running towards the fields. Petitioner Gurdev Singh was apprehended whereas two other accused managed to escape from the spot. On search nine bags of poppy husk totalling 270 kilograms (commercial quantity) was recovered from the vehicle. After completion of formalities, FIR was registered and the accused was arrested.

Learned counsel for the petitioner contends that after filing of the challan on 03.7.2017, charges have been framed and the prosecution evidence is going on. Next date fixed before the trial Court is 15.5.2019 for recording of prosecution evidence. According to him, there are in all 08 witnesses, out of which only one has been examined so far and the examination of rest of the witnesses will take considerable time. It is also contended that the petitioner is not involved in any other case much less under the NDPS Act.

On the other hand, learned State counsel has opposed the bail application. It is contended that the commercial quantity of the contraband was recovered from the petitioner. However, it is not disputed that only one witness has been examined so far and seven witnesses still remain to be examined.

Considering the above background of the case and the fact that trial will take considerable time, therefore, further detention of the petitioner is not justified. Resultantly, without meaning any expression of opinion on the merits of the case it is ordered that the petitioner be released

on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Ferozepur.

The petition is allowed.

May 07, 2019

Vijay Asija

(MANOJ BAJAJ)

JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No