

240-2

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

CRM-M-42966 of 2019 (O&M)

Date of decision: December 10, 2019

Gurdeep Singh @ Deep

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Navjot Singh, Advocate for the petitioner.

Mr. V.G. Jauhar, Senior DAG Punjab.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.0002 dated 17.01.2019, under Sections 21, 25, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station Mukandpur, District Shaheed Bhagat Singh Nagar.

As per prosecution case, petitioner has been nominated in this case, on the basis of disclosure made by his co-accused but no recovery was effected from his possession.

Contends that the petitioner is in custody since 29.01.2019 and neither he has been named in the FIR; nor any recovery was effected from him. Also contends that the challan has already been presented and charge(s) were framed on 08.08.2019. Further contends that out of total 19 prosecution witnesses, only 3 have been examined. It is also

contended that there is no other criminal case pending against the petitioner under the provisions of NDPS Act.

The above factual position is duly acknowledged by the learned State counsel, on instructions from ASI Kuldeep Singh.

Heard both sides and perused the paper-book.

Since nothing has been recovered from the petitioner and the charge(s) were framed on 08.08.2019. Out of total 19 prosecution witnesses, only 3 have been examined so far; thus, the trial will take sufficient long time and as such, further incarceration of the petitioner would not serve any purpose.

In view of the above, this petition is allowed. Petitioner is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

December 10, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No