

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

**CRM-M No. 48462 of 2019
Date of Decision:-20.11.2019**

Gagandeep @ Guni

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Amjad Khan, Advocate and
Mr. Anureet S. Sidhu, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner-Gagandeep @ Guni has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 218 dated 05.8.2017, under Sections 21, 22 of NDPS Act and Section 25 of Arms Act, registered at Police Station Samrala, Police District Khanna (date of the FIR is wrongly mentioned in the impugned order as 05.08.2018 instead of 05.08.2017). The petitioner is in custody since his arrest on 05.8.2017.

As per allegations in the FIR, on 05.8.2017, the petitioner Gagandeep @ Guni was arrested and from his possession one countrymade pistol, eight live cartridges and 270 grams of intoxicant powder was

recovered. Whereas from co-accused Irfan Mohd., 255 grams of intoxicant powder was recovered.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that the recovered contraband is marginally above the non-commercial quantity. He submits that after filing of challan, charges were framed on 26.3.2018. According to him, there are in all 20 witnesses and only four witnesses have been examined so far and the examination of rest of the witnesses will take considerable time. According to him, the petitioner is not involved in any other case muchless under the NDPS Act. He further relies upon the order dated 24.9.2018 (Annexure P-2), whereby this Court granted bail to the co-accused Mohd. Irfan.

On the other hand, learned State counsel assisted by ASI Shingara, 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 four witnesses have been examined so far and sixteen witnesses still remain to be examined. It is also not disputed that co-accused of the petitioner has been granted concession of regular bail by this Court.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioner, his further custody may not be justified. Therefore, 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, Ludhiana.

The petition is allowed.

November 20, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No