

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 215

CRM-M-19971-2020

Date of decision : 02.09.2020

Gurpreet Singh @ Peeta

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Manuj Nagrath, Advocate, for the petitioner.

Ms.Monika Jalota, DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.14 dated 26.01.2020, registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) at Police Station Payal, district Khanna, Punjab.

Seeking regular bail for the petitioner learned counsel submits that the petitioner has been falsely implicated in the present case; he is in custody for over seven months; report under Section 173 Cr.P.C. has been filed and therefore he is not in a position to influence the investigation; the trial which is yet to commence is likely to take a long time to conclude and that in another case in which the petitioner was involved under the NDPS Act, his co-accused has been discharged as the Trial Judge was of the opinion that the intoxicant powder allegedly recovered from the petitioner and his co-accused did not fall within the definition of Narcotics Drugs and Psychotropic Substances.

Learned State counsel opposes the grant of regular bail to the

petitioner on the ground that 53 kgs of poppy husk have been recovered from the petitioner's illegal possession.

The petitioner has been in custody for over seven months; report under Section 173 Cr.P.C. has been filed and therefore he is not in a position to influence the investigation; the trial which is yet to commence is likely to take a long time to conclude in the near future especially in the present circumstances when the world is facing the COVID-19 pandemic and in another case in which the petitioner was involved his co-accused has been discharged as the Trial Judge was of the opinion that the intoxicant powder recovered from the petitioner and his co-accused did not fall within the definition of Narcotics Drugs and Psychotropic Substances.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Ludhiana the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

02.09.2020

shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No