

CRM-M-44921-2019

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

CRM-M-44921-2019

Date of Decision: 18.02.2020

Gurdeep Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Krishan Singh Dadwal, Advocate,
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.57 dated 24.06.2018, registered at Police Station Banur, District Patiala, under Section 22 NDPS Act, 1985.

Learned counsel for the petitioner contends that in the present case, 185 strips of intoxicant tablets of Lomotil (each containing 60 tablets total $185 \times 60 = 11,100$) were allegedly recovered from the dash-board of truck, and the petitioner, being a cleaner, had no knowledge regarding the same. Learned counsel further contends that during investigation, the personal search of the petitioner was conducted and in personal search memo, number of FIR had been noted down, whereas FIR was supposed to be registered at later stage.

Per contra, the learned State counsel opposes the prayer made

CRM-M-44921-2019

in the present petition and disputes the factum of registration of FIR prior to the personal search of the petitioner and states that it is a matter of trial. The learned State counsel, on instructions from ASI Balkar Singh, submits that out of 14 prosecution witnesses, 05 witnesses have been examined.

I have heard learned counsel for the petitioner and the learned State counsel.

The petitioner has been in custody since 24.06.2018. The trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping him behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

However, nothing stated above shall be considered as an expression of opinion on the merits of the case.

18.02.2020
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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