

223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51678-2019
Date of decision-26.02.2020

Gagandeep Singh @ GoganPetitioner
Vs.
State of Punjab ...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. PKS Phoolka, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

MANOJ BAJAJ, J.

Petitioner-Gagandeep Singh @ Gogan has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.261 dated 21.12.2018 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Canal Colony, Bathinda. The petitioner is in custody since his arrest on 21.12.2018.

As per prosecution case, on 21.12.2018 accused Satish Kumar @ Kala, Soni Kumar and Gagandeep Singh @ Gagan (petitioner) were apprehended by the police party for having in their conscious possession 74 vials of Wincirex, each containing 100 ml, 46 strips of Carisoma tablets, each strip containing 10 tablets, i.e. total 460 tablets. The accused were found with Activa Scooter No.PB03AF-4449.

Learned counsel for the petitioner contends that the investigation of the case is complete, and as the petitioner is not involved in any other case, therefore, further custody of the petitioner may not be

necessary. He further submits that the alleged bag, from where the contraband was recovered was lying on a parked scooter and ownership of the scooter has not been verified by the prosecution. Learned counsel has further placed reliance upon orders dated 31.10.2019 and 18.11.2019 (Annexures P-2 and P-3) in respect of co-accused who have already been extended the concession of regular bail by this Court.

Learned State counsel assisted by ASI Gursahib Singh does not dispute this fact that the case of the petitioner is at par with the other accused who have been extended the concession of regular bail. He states that only one prosecution witness has been examined out of total 14 witnesses. It is also not disputed that there is no other case against the petitioner of the similar nature.

Considering the above background; custody of the petitioner and the pace at which the trial is moving, this Court is of the opinion that 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 concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

26.02.2020

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No