

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 215

CRM-M-4524-2020

Date of decision : 09.03.2021

Harvinder Gaba @ Harwinder Gaba
@ Deepak

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Naveen Sharma, Advocate, for the petitioner.

Mr.Sukhbeer Singh, AAG, Punjab.

DEEPAK SIBAL, J. (Oral)

The matter has been 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.183 dated 12.10.2019, registered under Sections 22/61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) at Police Station Model Town, district Ludhiana.

The petitioner is being prosecuted by the State for having been found in illegal possession of 300 grams of smack.

Seeking regular bail for the petitioner learned counsel submits that the petitioner has been falsely implicated in the present case; he is in custody since 12.10.2019; report under Section 173 Cr.P.C. has already been filed and therefore he is not in a position to influence the investigation; co-accused Rohit Kumar @ Golu, who was allegedly travelling in the same car with the petitioner at the time of the alleged recovery of narcotics, has already been granted regular bail by this Court and that the petitioner's trial in which 13 prosecution witnesses still remain to be examined will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner was found in illegal possession of 300 grams of smack; he was convicted and sentenced for six months in a case under Section 22 of the NDPS Act and that if released on bail he may indulge in similar offences.

The petitioner has already been in custody for the last over 1 year and 5 months; report under Section 173 Cr.P.C. has already been filed and therefore he is not in a position to influence the investigation; co-accused who was allegedly driving the car at the time of alleged recovery of narcotics in which car the petitioner was also an occupant has already been granted regular bail by this Court and the petitioner's trial in which 13 prosecution witnesses still remain to be examined, is likely to take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

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, who shall insist heavy two local sureties, 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.

09.03.2021
shamsher

[DEEPAK SIBAL]
JUDGE

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