

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-10999-2021

DATE OF DECISION: SEPTEMBER 6, 2021

GURDHIAN SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. S.S. GILL, ADVOCATE FOR THE PETITIONER.
MR. RAMANDEEP SANDHU, SR.DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.200 dated 12.10.2019, under Section 22/29 NDPS Act, Police Station Dirba, District Sangrur. The petitioner is in custody since his arrest on 12.10.2019.

The allegations contained in the FIR as noticed by the Judge, Special Court, Sangrur in the order dated 12.12.2019, are as under:-

“As per the allegations of the prosecution, on 12.10.2019, applicant/accused Gurdhian Singh was arrested by the police party headed by SI Mohinderjit Singh at the instance of co-accused Lakhwinder Singh and Charanjit Singh and 1200 intoxicant tablets labeled as Alprasafe 0.5 were recovered from his possession, whereas 1500 intoxicant tablets labeled as Alprasafe 0.5 were recovered from the possession of his co-accused Lakhwinder Singh and Charajit Singh on 12.10.2019.”

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and has been indicted as an

accused on the basis disclosure statement of co-accused. He submits that the

the investigation of the case is complete and the final report stands filed on 3.4.2020. He further submits that the petitioner is behind bars for the last approximately 1 year and 11 months and out of total 16 prosecution witnesses, none has been examined so far and therefore, he be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by ASI Pushpinder Singh has opposed the aforesaid prayer on the ground that 1200 intoxicant tablets were recovered from the possession of the petitioner. However, it is not disputed that the investigation of the case is complete and the challan stands filed.

Considering the above background, period undergone and the fact that the challan stands filed on 3.4.2020 and out of total 16 witnesses, none has been examined so far, this Court is of the opinion that the trial of the case is likely to consume considerable time to conclude. Thus, further detention of the petitioner behind the bars may not be necessary for any useful purpose who is presently confined in judicial custody after his arrest on 12.10.2019.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

September 6, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No