

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

CRM-M-11270 of 2021 (O&M)
Date of Decision: March 17, 2021

Gurjant Singh alias Janta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vikas Gupta, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.135 dated 18.10.2020, under Section 21-C/25/29 of NDPS Act, Section 307/34 of Indian Penal Code and Section 25 of Arms Act, registered at Police Station Special Task Force, District SAS Nagar (Mohali).

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 23.12.2020. Counsel for the petitioner would contend that on the basis of secret information a naka was set up. As per the informer, it was mentioned that Balraj Singh @ Balla along with his companions namely Mangal Singh, Bazz Singh alias Bazza and Janta are supplying Heroin in the area. The petitioner was not

arrested at the spot nor was there any recovery of Heroin from him. In fact, the Heroin was recovered from Balraj Singh, who also fired at the police party and suffered injuries in the cross-fire. It is submitted that the matter has been investigated and challan presented, as such, his custody is no longer required and he is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner. However, she does not dispute the fact that investigation is complete and the challan already stands presented.

I have heard learned counsel for the parties.

In view of the facts that the petitioner herein has been in custody since 23.12.2020 and investigation is complete, as the challan has already been presented, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

However, anything observed hereinabove is only for the purpose of deciding the instant petition for grant of regular bail and the same shall have no affect on the merits of the case.

March 17, 2021

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No