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

CRM-M-16470-2021

Date of Decision: 13.07.2021

Gurdeep Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Piyush Khanna, 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.0107 dated 18.08.2019 registered under Section 22 NDPS Act, 1985 at Police Station Mahilpur, District Hoshiarpur. The petitioner is in custody since his arrest on 18.08.2019.

As per the case of the prosecution, on 18.08.2019, 40 injections of Avil and 30 injections of Buprenorphine were recovered from accused/petitioner Gurdeep Singh.

Learned counsel for the petitioner has argued that the petitioner is not involved in any other case of similar nature and in the present case though the investigation of the case is complete, as the charges have been framed on 18.02.2020, but the trial is yet to commence, therefore, his further custody may not be necessary. He prays for bail during pendency of the trial.

On the other hand, learned State counsel, who is assisted by

ASI Bikramjit Singh, has opposed the prayer on the ground that the recovered contraband falls within the ambit of commercial quantity. He has produced the custody certificate dated 12.07.2021 by way of affidavit of Harbhajan Singh, PPS, Deputy Superintendent, Central Jail, Hoshiarpur, which indicates that the petitioner is not involved in any other case. However, it is not disputed by him that the charges were framed on 18.02.2020, but no prosecution witness has been examined so far.

After hearing the learned counsel for the parties, this Court finds that though the investigation of the case is over, but the trial is yet to commence and in all, there are thirteen prosecution witnesses to be examined, therefore, it is evident that the trial would take considerable time to conclude. The co-accused of the petitioner has already been released on regular bail vide order dated 16.02.2021. As the petitioner is not involved in any other case of similar nature, therefore, his further custody would not serve any useful purpose. Apart from it, the material prosecution witnesses are police officers and there does not seem any possibility of their being won over.

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/Duty Magistrate Hoshiarpur.

The petition is allowed.

13.07.2021

Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No