

CRM-M-36381-2021

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

CRM-M-36381-2021 (O & M)

Date of decision: 10.11.2021

Gurjant Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Amarbir Singh Salar, Advocate,
for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

CRM-35728-2021

Allowed as prayed for. Annexure P-4 is taken on record,
subject to all just exceptions.

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Through this petition, the petitioner seeks regular bail in case bearing FIR No.357 dated 25.10.2020, registered at Police Station Sohana, SAS Nagar, under Sections 21 and 22 NDPS Act, 1985 and Section 25 of the Arms Act, 1959.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that the memo (Annexure P-4) vide which recovery of 300 gram of heroin and Rs.50,000/- had allegedly been effected from the petitioner, has not been signed by the petitioner; that even there was non-compliance of provisions of Section 50 NDPS Act by the prosecution agency; that co-accused Arunpal Singh stands enlarged on bail by a Coordinate Bench, vide order dated

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16.08.2021 passed in CRM-M-25292-2021, and that there is no other case pending or registered against the petitioner. So far as the alleged recovery of .32 bore pistol alongwith 13 live cartridges from the petitioner, is concerned, the same is his licensed pistol. The petitioner has been in custody since 26.10.2020.

On the other hand, learned State counsel, while opposing the submissions made by the learned counsel for the petitioner, submits that the recovery of heroin had been effected from the petitioner after following the due procedure by the prosecution agency. The challan stands presented, but the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

Although the challan stands presented, yet none of the witnesses has been examined so far. There is no other case pending or registered against the petitioner, at least of a similar nature. The petitioner has been in custody since 26.10.2020. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

10.11.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No