

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

CRM-M-43991-2020 (O&M)

Date of decision : 30.06.2021

Gurcharan Singh @ Sunder

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Munish Khanngwal, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

ALKA SARIN, J. (ORAL)

Taken up through video conferencing.

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.63 dated 03.05.2019 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Lalru, District SAS Nagar (Mohali).

Learned counsel for the petitioner would contend that the petitioner was apprehended and was found in possession of 100 injections of Leegesic Buprenorphine and 100 bottles of Avil without any valid permit or licence. The petitioner has been in custody since 03.05.2019 and there is no other case pending against the petitioner. Learned counsel for the petitioner has further contended that the charges were framed in the present case on 03.12.2019 and till date not a single witness has been examined.

Learned counsel appearing for the State has placed on record the custody certificate. As per the custody certificate, the petitioner has been in custody for a period of 02 years 01 month and 24 days and there is no other case pending against the petitioner. Learned counsel for the State is not in a position to deny that charges were framed way back on 03.12.2019 and not a single witness has been examined till date.

I have heard learned counsel for the parties.

In view of the above, without commenting upon the merits of the case and in view of the fact that the petitioner has been in custody for a period of 02 years, 01 month and 24 days and there is no other case pending against the petitioner and the fact that not a single witness has been examined till date, I deem this to be a fit case for grant of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds with heavy surety to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

June 30, 2021
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO