

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-48413-2021

DATE OF DECISION: NOVEMBER 25, 2021

GURJEET SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MS. SEEMA ARORA, ADVOCATE FOR THE PETITIONER.
MR. RAMANDEEP SINGH 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.57 dated 16.6.2021, under Section 18/15/61/85 NDPS Act, Police Station Kulgarhi, District Ferozepur. The petitioner is in custody since his arrest on 16.6.2021.

As per allegations in the FIR, the police acted upon a secret information and stopped two big trollas bearing registration No.PB05-W-7813 and PB05-AB-7513. Upon search, 2 kgs. of opium and 35 kgs. of poppy husk were effected from trolla bearing registration No.PB05-W-7813, driven by Gurjeet Singh and Cleaner Balvir Singh. Out of other trolla bearing registration No.PB05-AB-7513, driven by Pardeep Singh and Cleaner Harjinder Singh, 2.5 kgs of opium and 15 kgs. of poppy husk were recovered. Both the respective drivers, namely, Gurjeet Singh and Pardeep Singh and Cleaners Balvir Singh and Harjinder Singh were arrested on the spot.

Learned counsel for the petitioner has argued that as per allegations, 2 kgs. of opium was shown to have been recovered from the petitioner and the said quantity falls under non-commercial quantity. He

further submits that challan has been filed and the charges have also been framed on 8.10.2021. He further states that the co-accused has already been released on bail by this Court vide order dated 12.11.2021, passed by this Court in CRM-M-45432-2021. He submits that as the investigation of the case is complete, therefore, the petitioner be also released on regular bail.

On the other hand, learned counsel for the State assisted by SI Paramjit Kaur has opposed the aforesaid prayer on the ground that the petitioner was arrested from the spot alongwith the contraband. However, it is not disputed by him that the contraband recovered falls under the category of non-commercial quantity and that the co-accused of the petitioner has been released on regular bail by this Court and that the charges have been framed.

Considering the above background, quantity recovered and the fact that charges have been framed and that the co-accused has already been released on regular bail, this Court is of the opinion that further detention of petitioner behind the bars may not be necessary for any useful purpose who is presently confined in judicial custody after his arrest on 16.6.2021, as trial of the case is likely to consume considerable time to conclude.

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.

November 25, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

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