

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

232

CRM-M-9304-2022 (O&M)

Date of Decision: 06.04.2022

GURTEJ SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. SS Sarwara, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.66 dated 02.07.2021, registered under Section 15 of the NDPS Act, at Police Station Chamkaur Sahib, District Rupnagar.

Learned counsel for the petitioner submits that the alleged recovery of 51 kg of poppy husk, was effected from a truck, driven by co-accused, namely, Gurtej Singh,; that the said recovery was effected from two plastic bags, which were lying on the back seat; that the petitioner was sitting on the passenger seat and that he has been in custody since 02.07.2021. He further submits that co-accused has already been granted the concession of regular bail by a Coordinate Bench of this Court on 18.02.2022 and that there is no other case registered and/or pending against the petitioner. Still further, it is submitted that the alleged recovery was marginally above the commercial quantity. In support of his contentions, he relies upon the orders passed by this Coordinate Bench of this Court in CRM-M-35941-2016 titled

Pritpal Singh @ Ambi vs State of Punjab, decided on 01.03.2017 and CRM-M-42206-2017 titled Pargat Singh vs State of Punjab, decided on 26.02.2018.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He submits that some of the prosecution witnesses are yet to be examined and that there is no other case registered and/or pending against the petitioner.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 02.07.2021. There is no other case registered and/or pending against the petitioner. Co-accused has already been enlarged on regular bail. Most of the prosecution witnesses are yet to be examine. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

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

06.04.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*