

212

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

**CRM-M-20104-2022 (O&M)
Date of Decision: 01.12.2022**

GURVINDER SINGH @ GURWINDER SINGH @ GURBINDER SINGH
.. Petitioner

Vs.
STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Jasvir Singh Dhaliwal, Advocate for the petitioner.

Mr. Kunal Muthreja, AAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.356 dated 22.08.2020 registered under Sections 22, 25, 27-A and 29 NDPS Act, 1985 at Police Station Sadar Mansa, District Mansa, Punjab. The petitioner is in custody since his arrest on 22.08.2020.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Mansa in the order dated 15.03.2021, are as under:

“As per Investigating Agency this applicant was apprehended on 21.08.2020 by the police team of I.O. in the area of P.S. Sadar Mansa. Allegedly 1500 tablets Clovidol 100-SR pertaining to one type of Batch Number and manufacturing and expiry dates, in the shapes of strips of 10 tablets each, were recovered from him.”

Learned counsel for the petitioner states that the petitioner is in custody for a long period and is not involved in any other case. He submits that the investigation of the case is complete and charges have been framed on 15.04.2021, but no prosecution witness has been examined out of total fourteen prosecution witnesses, therefore, the petitioner be released on

regular bail.

Learned State counsel assisted by ASI Gurcharn Singh, has opposed the prayer and submitted that the contraband (1500 intoxicating tablets) falls in commercial quantity as per the NDPS Act. He has produced the custody certificate of the petitioner by way of affidavit of Arvinderpal Singh Bhatti, Superintendent of District Jail, Mansa, which indicates that he is convicted in one more case i.e. FIR No.110 dated 08.07.2015, under Section 15 NDPS Act, P.S. Maur, wherein he has already completed his sentence. He does not dispute this fact that till date, no prosecution witnesses has been examined out of the total fourteen prosecution witnesses.

After hearing the learned counsel for the parties and considering the above background, particularly the custodial period of the petitioner, his further detention behind the bars may not be necessary for any useful purpose, as the trial is yet to commence and its conclusion would consume considerable time. Apart from it, the material witnesses are police officials and at present there does not seem to be 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 subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

01.12.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No