

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

CRM-M-40378-2021 (O&M)

Date of decision : 08.02.2022

Gurdeep Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Nirmaljeet Singh Sidhu, Advocate for the petitioner.

Mr. H.S. Multani, AAG Punjab.

ALKA SARIN, J. (ORAL)

Heard in virtual mode.

This is the second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.102 dated 11.05.2020 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') and Sections 188, 270 of the Indian Penal Code, 1860 (IPC) and Section 51 of the Disaster Management Act, 2005, registered at Police Station Maur, District Bathinda.

Learned counsel for the petitioner would contend that the first petition for grant of bail being CRM-M-36676-2020 was dismissed as withdrawn on 16.11.2020. Learned counsel for the petitioner would further contend that the change in circumstances is that though the challan was presented on 28.10.2020, till date, out of 23 prosecution witnesses only 3 have been examined. Learned counsel for the petitioner would further contend that there is no other case under the NDPS Act pending against the petitioner. However, there is one case being FIR No.202 dated 05.10.2017

under Sections 324/323/34 IPC registered at Police Station Maur pending against the petitioner in which the petitioner is stated to be on bail.

Learned counsel for the petitioner would further contend that the other co-accused have since been granted bail by the Trial Court and one of the co-accused has been granted anticipatory bail by this Court. Though learned counsel for the petitioner has candidly admitted that he cannot seek any parity with the said co-accused.

Learned counsel for the State on instructions from ASI Gurtej Singh has contended that till date out of 23 prosecution witnesses only 3 have been examined and further that there is one case under sections 324/323/34 of IPC pending against the petitioner. It is further contended that 1100 tablets of Clovidol 100 SR were recovered from the petitioner.

Heard learned counsel for the parties.

The first bail petition of the petitioner being CRM-M-36676-2020 was dismissed as withdrawn on 16.11.2020. Thereafter, the trial does not seem to have progressed much as out of 23 prosecution witnesses only 3 have been examined till date. The petitioner has already been in custody for about one year and nine months.

In view of the above and considering the fact that the petitioner has already been in custody for a period of one year and nine months and the trial is likely to take some time to conclude, no useful purpose would be served by keeping the petitioner behind the bars any further.

Without commenting upon the merits of the case, I deem it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail

bonds/surety bonds 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.

08.02.2022
Yogesh Sharma

(ALKA SARIN)
JUDGE

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