

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

CRM-M-33404 of 2022

Date of Decision: 18.11.2022

Gurmail Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Prabhjeet Singh Sullar, Advocate for the petitioner.

Mr. Aman Bahri, Addl.AG, Haryana.

HARINDER SINGH SIDHU, J

Prayer is for grant of regular bail in case FIR No. 101 dated 17.03.2020 under Sections 18,29,61 of NDPS Act registered at Police Station Parao Ambala Cantt, District Ambala.

As per allegations in the FIR, on 17.03.2020, while ASI Ram Kumar along with police officials was present at Bus Stand of Ambala Cantt, he received a secret information that Gurmail Singh son of Maan Singh, who was indulging in selling opium, would come to Ambala from Karnal. Based on the secret information, a naka was laid and the petitioner was found to be in conscious possession of 7 kg opium.

Learned counsel for the petitioner contends that the petitioner has been falsely embroiled and that no procedure prescribed has been followed before sending the samples of the alleged recovery to the FSL. He submits that the petitioner has been behind bars since 17.03.2020. Out of 22, only one witness has been examined so far. In support, he cites **order dated 12.10.2020 passed by Hon'ble Supreme Court in Criminal Appeal No.668 of 2020 titled Amit Singh Moni vs. State of Himachal Pradesh**. He also

Appeal No.1293 of 2022 (arising out of SLP (Crl) No.3133/2022 decided on 22.08.2022.

Per contra, Mr. Bahri, learned Additional A.G. Haryana affirms that the petitioner has been in custody for the last about two years and eight months. He states that out of 22 prosecution witnesses, only one has been examined.

Without commenting anything on the merits of the case and also bearing in mind the custody period coupled with the fact that the conclusion of the trial will take sufficient time, in my opinion, no useful purpose will be served by detaining the petitioner behind bars. Hence, petition is allowed. Petitioner Gurmail Singh is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

November 18, 2022
manoj

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No