

**110 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-39145-2021****Date of decision : 17.03.2022****Gora Singh****....Petitioner****Vs.****State of Punjab****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. K.S.Brar, Advocate for the petitioner.
Mr. V.G. Jauhar, Senior DAG, Punjab.

*********MANOJ BAJAJ, J.**

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.88 dated 29.05.2021 registered under Sections 15 (C), 25 and 29/61/85 Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Civil Lines, District Bathinda, who is custody since his arrest on 31.05.2021.

The allegations as noticed by the learned Judge, Special Court, Bathinda in the order dated 31.08.2021 are as under:-

“The crux of the case of prosecution is that 54 kg poppy husk was recovered from the non-applicant/co-accused Gurpreet Singh in a WagonR on Ajit Road, Bathinda. On further investigation, it came out that he brought that contraband from accused-applicant Gora Singh.”

Learned counsel for the petitioner has argued that as per prosecution case, 54 kg poppy husk was recovered from accused-Gurpreet Singh and subsequently on his disclosure, petitioner along with Gagandeep Singh was implicated in the present case. He has further produced the order dated 01.09.2021 passed in CRM-M-34792-2021 to contend that the similarly situated

co-accused, namely, Gagandeep Singh @ Nikka has already been released on regular bail by this Court. According to him, investigation of the case is complete, therefore, further custody of the petitioner may not be necessary. He prays for bail.

On the other hand, learned State counsel assisted by Inspector Sukhpal Singh opposed the prayer on the ground that the recovered quantity is commercial in nature, however, he does not dispute this fact that co-accused of the petitioner has already been released on bail. He further submits that investigation of the case is complete and final report stands filed on 26.11.2021, however, charges are yet to be framed. He on instructions further states that case is now fixed before the trial Court for framing of charges on 04.04.2022

Considering the above background, petitioner's custody and the fact that the charges are yet to be framed, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 31.05.2021.

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/Duty Magistrate.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

17.03.2022
vanita

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