

**110-A IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-38682-2021

Date of decision : 17.03.2022

Gurpreet Singh @ Manna

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Dr. Rau P.S.Girwar, 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 29.05.2021.

The allegations as noticed by the learned Judge, Special Court, Bathinda in the order dated 26.08.2021 are as under:-

“The summary of the case of prosecution is that 54 kg poppy husk was recovered from the accused applicant along with non/applicant/co-accused Gursewak Singh.”

Learned counsel for the petitioner has argued that as per prosecution, petitioner was found in possession of 54 kg poppy husk when he was arrested on 29.05.2021 and the said quantity is marginally above (non commercial) and as the petitioner is not involved in any other case of

similar nature, his further custody may not be necessary. He has further produced the order dated 01.09.2021 and 05.08.2021 passed in respect of co-accused, who have 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 petitioner was arrested on the spot and the recovered quantity is commercial in nature, however, he does not dispute this fact that co-accused of the petitioner have 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. In compliance of the order dated 23.02.2022, short reply by way of affidavit of Amneet Kondal, IPS, Senior Superintendent of Police, Bathinda on behalf of respondent-State has been filed and taken on record.

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 29.05.2021.

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

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