

CRM-M-36710-2022

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

CRM-M-36710-2022

Date of decision: 25.08.2022

Gurmukh Singh @ Gaggi

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. A.S.Barnala, Advocate,
for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition, the petitioner seeks regular bail in case FIR No.02 dated 03.01.2021, registered at Police Station Balianwali, District Bathinda, under Section 22 NDPS Act, 1985.

As per the case of the prosecution, recovery of 1500 intoxicating tablets of TREO SR-100, containing the salt of Tramadol Hydrochloride', had been recovered from the petitioner.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that provisions of Section 50 NDPS Act had not been complied with by the investigating agency; that though the extent of recovery of intoxicating tablets allegedly effected in the present case, falls under the commercial quantity, yet the fact remains that the petitioner has been in custody since 07.01.2021 and that the prosecution witnesses are yet to be examined. In such circumstances,

CRM-M-36710-2022

conclusion of the trial would take a long time. Moreover, the petitioner is not involved in any other case, much less of a similar nature. On this premise, learned counsel prays for the grant of bail to the petitioner. In support of his contentions, learned counsel relies upon the orders delivered by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No.5769-2022, titled as 'Nitish Adhikary @ Bapan Vs. State of West Bengal', decided on 01.08.2022 and Special Leave to Appeal (Crl.) No.4173-2022, titled as 'Shariful Islam @ Sarif Vs. State of West Bengal', decided on 04.08.2022.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the aforesaid extent of intoxicating tablets recovered in the present case, falls under the commercial quantity and the case of the petitioner is hit by the bar contained under Section 37 NDPS Act. However, he does not dispute the custody period of the petitioner.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 07.01.2021. The prosecution witnesses are yet to be examined. The conclusion of the trial will take a long time. There are no past criminal antecedents of the petitioner. All these facts persuade this Court to grant bail to the petitioner despite the rigors of Section 37 NDPS Act in the present case. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his

CRM-M-36710-2022

furnishing bail and surety bonds to the satisfaction of the learned trial
Court/Duty Magistrate.

25.08.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No