

(107) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-44841-2022 in/and
CRM-M-44654-2022
Date of Decision: 01.12.2022

GURMEET SINGH @ NIKKA

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. S.S. Maini, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, D.A.G, Punjab.

JASJIT SINGH BEDI, J.

CRM-44841-2022

This is an application filed under Section 482 Cr.P.C. for preponing the date of hearing in the case i.e. fixed for 08.03.2023.

Notice in the application.

Mr. Kirat Singh Sidhu, D.A.G, Punjab accepts notice on behalf of the respondent-State.

For the reasons mentioned in the application, the same is allowed and the date of hearing is postponed from 08.03.2023 to today and the matter is taken up on board today itself.

CRM-M-44654-2022

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail in case bearing FIR No.78 dated 17.04.2021

(Annexure P-1) registered under Sections 22(c), 61, 85 of the NDPS Act at Police Station City Kotkapura, District Faridkot.

2. The brief facts of the case are that while the police party was on patrolling duty and reached near the Mini Drain Bridge of Bahmanwala, then two persons on the *Kutch*a passage under the tree shade were seen taking out strips of tablets from their bag. The police party stopped their vehicle and on seeing the vehicle the two persons attempted to flee from the spot but were apprehended. On being asked, they disclosed their names as Gursewak Singh alias Laddi son of Rajpal Singh and Gurmeet Singh alias Nikka (petitioner). On their search, intoxicating tablets containing Tramadol were recovered from them.

3. The learned counsel for the petitioner contends that the mandatory provisions of the Act have not been complied with during the course of search and seizure. No public witness was joined at the time of the recovery. The co-accused of the petitioner namely, Gursewak Singh alias Laddi has been granted the concession of bail and since only 03 out of 19 prosecution witnesses have been examined so far, the trial of the present case was not likely to be concluded anytime soon. He thus, prays that the petitioner ought to be granted the concession of regular bail.

4. On the other hand, the learned State counsel contends that the petitioner and his co-accused were apprehended with commercial quantity of contraband. He however, does not deny the fact that the co-accused of the petitioner namely, Gursewak Singh alias Laddi has been granted the concession of regular bail by this Court vide order dated 27.07.2022 passed in CRM-M-10554-2022 (Annexure P-2).

5. I have heard the learned counsel for both the parties.

6. Admittedly, the petitioner is a first-time offender. He is in custody since 17.04.2021 and only 03 out of 19 prosecution witnesses have been examined so far. The co-accused of the petitioner has been granted the concession of regular bail vide order dated 27.07.2022 passed in CRM-M-10554-2022 (Annexure P-2). The trial of the present case is not likely to be concluded anytime soon. Therefore, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Gurmeet Singh @ Nikka son of Baldev Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the Trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

01.12.2022

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No