

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

CRM-M-52806-2021 (O&M)

Date of decision: 07.03.2022

Gurpreet Singh @ Sukhu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Jasvir Singh Dhaliwal, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this second petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 73 dated 02.06.2021 registered under Sections 15, 25 and 29 of the NDPS Act, at Police Station Bhikhi, District Mansa.

At this state, Mr. Jasvir Singh Dhaliwal, Advocate appears and files vakalatnama on behalf of the petitioner with no objection from the earlier counsel. The vakalatnama is taken on record.

Custody certificate by way of affidavit dated 05.03.2022 of the Deputy Superintendent, District Jail, Mansa, submitted by the learned State counsel, is taken on record.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the alleged recovery of 54 kg of poppy husk is marginally above the commercial quantity; that the alleged recovery was effected from two accused; that the petitioner has been in

custody since 02.06.2021; that charges have been framed but out of 13 prosecution witnesses, none has been examined so far and there is no other pending or registered case against the petitioner.

Learned State counsel, while vehemently opposing the prayer for bail submits that recovered contraband falls under the commercial quantity. However, he does not dispute the custody period of the petitioner and that there is no other case against the petitioner. He submits that out of 13 prosecution witnesses, none has been examined so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 02.06.2021. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take a long time. Moreover, there is no other case against the petitioner. Hence, 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 petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

07.03.2022

Mangal Singh

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No