

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

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**CRM-M-452-2022 (O&M)
Date of decision: 23.01.2023**

Gurpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Narinder S. Lucky, Advocate for the petitioner.

Ms. Ishma Randhawa, Addl. AG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this 2nd petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 161 dated 26.09.2019 registered under Section 21 of the NDPS Act, at Police Station Gharinda, District Amritsar Rural. The earlier bail petition has been dismissed as withdrawn.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that though the alleged recovery of 1 kg. of *Heroin*, which is shown to be effected from the petitioner falls under the commercial quantity, but the fact remains that the petitioner has been in custody since 26.09.2019 i.e. about 03 years and 04 months; that the co-accused, who was driving the motorcycle has already been granted the concession of regular bail by this Court vide order dated 22.07.2021; that out of 14 prosecution witnesses, only 04 have been examined so far and that there is no other pending or decided case against the petitioner.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner along with co-accused was apprehended at

the spot. The recovered contraband falls under the commercial quantity. However, she does not dispute the custody period of the petitioner and the fact that there is no other case against the petitioner and the co-accused has already been granted regular bail. She submits that out of 14 prosecution witnesses, 04 have been examined.

I have heard the learned counsel for the parties.

Though the recovery effected from the petitioner falls under the commercial quantity but the fact remains that the petitioner has been in custody since 26.09.2019. Moreover, there is no other case against the petitioner. The co-accused has already been enlarged on regular bail. Remaining 10 prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. 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.

It is also clearly stipulated that the petitioner would be required to remain present on all dates fixed by the trial Court and his counsel will not seek unnecessary adjournments and that if the petitioner tries to delay the trial or involves him into another case of a similar nature, the trial Court would put back him into incarceration.

(HARNARESH SINGH GILL)
JUDGE

23.01.2023
Mangal Singh

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