

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
230

CRM-M-2427-2023 (O&M)

Date of Decision: 17.04.2023

Avtar Singh @ Gaggi

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. G.S. Brar, Advocate for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

CRM-8307-2023

The present application stands disposed of as having been rendered infructuous.

CRM-M-2427-2023

Custody certificate dated 14.04.2023 filed by learned counsel for the State is taken on record.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.159 dated 03.07.2022 registered under Section 22(b) of the NDPS Act at Police Station City Muktsar, District Muktsar Sahib.

According to the prosecution story, on 03.07.2022, in the area of Police Station City Sri Muktsar Sahib, the petitioner along with his

co-accused was apprehended by the police. From the possession of the petitioner 300 tablets of Clobedon-100 SR and from his co-accused total 330 tablets of Clobedon-100 SR, were recovered which they were carrying without permit of licence.

Learned counsel for the petitioner, *inter alia*, contends that petitioner has falsely been implicated in the instant case. Nothing was recovered from the petitioner. Rather, police had planted false recovery upon the petitioner. The contraband recovered from the petitioner falls under the category of 'non-commercial quantity'. He is not involved in any other case under the NDPS Act. Petitioner is in custody since 03.07.2022. Trial is likely to take time and no purpose will be served by keeping the petitioner in custody. Co-accused of the petitioner, namely; Mandeep Singh @ Monu, had already been enlarged on bail by this Court vide order dated 15.02.2023, passed in CRM-M-57044-2022. Thus, it is prayed that treating the case of the petitioner on the same parity as that of his co-accused, he may also be granted the concession of regular bail.

On the other hand, learned State Counsel has opposed the submission made by learned counsel for the petitioner. However, he fairly conceded the fact that petitioner is not involved in any other case under the NDPS Act.

I have heard learned counsel for the parties and carefully gone through the record.

Keeping in view the facts and circumstances of the case, custody period of the petitioner and also the fact that petitioner is not involved in any other case under the NDPS Act, but without commenting on the merits of the case, I am of the considered view that the petitioner

deserves the concession of regular bail.

Accordingly, the present petition is allowed and petitioner-
Avtar Singh @ Gaggu, is ordered to be released on regular bail subject to
his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty
Magistrate/ Chief Judicial Magistrate, concerned.

17.04.2023

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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No