

**212-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-3528-2023

Date of decision: 07.08.2023

Gurvinder Singh @ Babu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Sumeet Singh Brar, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 439 Cr.PC. seeking bail pending trial in case FIR No.124 dated 23.10.2021 under Sections 22(c) of the NDPS Act, 1985, registered at Police Station Maur, District Bathinda, Punjab (Annexure P-1).

2. It is submitted by the counsel for the petitioner that the case against the petitioner is totally concocted and fabricated. Petitioner is in custody since 23.10.2021. There are 22 prosecution witnesses and only 01 has been examined. There is no other case pending against the petitioner. Counsel for the petitioner has relied upon a judgment of the Hon'ble Supreme Court passed in **2023 AIR (SC) 1648 Mohd. Muslim @ Hussain Vs. State (NCT of Delhi)** to contend that the petitioner deserves to be released on bail pending trial.

3. On the other hand, learned State counsel, being instructed by ASI Vijay Kumar, submits that the petitioner is involved in a serious offence as there is a huge recovery of contraband from the petitioner. However, it is not disputed that there is no other case pending against the petitioner; and it is also

not disputed that out of total 22 prosecution witnesses, only 01 has been examined so far. The petitioner is in custody since 23.10.2021 and the petitioner is not required for any further investigation.

4. In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the trial Court/Duty Magistrate, concerned.

07.08.2023
Parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

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