

CRM-M-7251-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7251-2023 (O & M)
Date of decision: 31.07.2023

GURWINDER SINGH ALIAS GURI ALIAS RANA

...Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Manpreet Ghuman, Advocate,
for the petitioner.

Mr. C.L.Pawar, Addl. A. G. Punjab.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this second petition, the petitioner seeks regular bail in case FIR No.17 dated 20.01.2021, registered at Police Station Sadar Patiala, District Patiala, under Sections 21 and 22 NDPS Act, 1985.

2. Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that as per the prosecution version, recovery of 400 gram intoxicating powder and 100 gram heroin had been effected from the petitioner and the co-accused; and that though the extent of intoxicating powder recovered in the present case, falls under commercial quantity, yet the fact remains that the petitioner has been in custody since 20.01.2021 and out of 07 prosecution witnesses, only 01 witness has been examined till date. So far as another case pending against the petitioner, under the NDPS Act, is concerned, the same pertains to recovery of non-commercial quantity and the petitioner has been bailed out therein.

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3. On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that recovery of intoxicating powder effected in the present case, falls under commercial quantity and that Section 37 NDPS Act bars the grant of bail to the accused in case of commercial quantity. It is further submitted that the petitioner is a habitual offender and that material witnesses are yet to be examined.

4. I have heard the learned counsel for the parties.

5. Indisputably, recovery of intoxicating powder effected in the present case, falls under commercial quantity, but the fact remains that the petitioner has been in custody for the last 02 years, 06 months and 09 days. Out of 07 prosecution witnesses, as many as 06 witnesses are yet to be examined so far. Trial is unlikely to conclude any time soon. So far as another case pending against the petitioner, under the NDPS Act, is concerned, the same pertains to recovery of non-commercial quantity and the petitioner has been bailed out therein.

6. In view of the above, this Court finds that no useful purpose would be served by keeping the petitioner behind the bars. Resultantly, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

31.07.2023

parveen kumar

(HARNARESH SINGH GILL)
JUDGEWhether reasoned/speaking?
Whether reportable?Yes/No
Yes/No