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2023:PHHC:075445

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10223-2023
DECIDED ON: 24th MAY, 2023

GAURAV KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Rahul Bhargava, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in case FIR No. 120, dated 07.07.2018, under Section 22 of NDPS Act, 1985, registered at Police Station Division No.5, Jalandhar.
2. Learned counsel for the petitioner has contended that the contraband whatsoever has been recovered from the possession of the petitioner is non-commercial in nature. He further contends that the petitioner was earlier granted the concession of interim bail by the trial Court and he was appearing before it regularly. It is asserted that the absence of the petitioner on 22.03.2022 is neither intentional nor deliberate.
3. Learned State counsel has produced the custody certificate of the petitioner, which is taken on record. According to which, the petitioner has

suffered incarceration for a period of 11 months and 29 days as of now. A persual

of the custody certificate further reveals that the petitioner is also involved in another case of similar nature but he is on bail. He opposes the prayer made in the present petition on the ground that the petitioner is a bail jumper and does not deserve the concession of bail at this stage.

4. Considering the fact that the petitioner was arrested after his surrender and is custody since then and thereafter he has suffered incarceration for a period of 9 months and 12 days added with the facts that the contraband i.e. 10 intoxicating injections were recovered from the possession of the petitioner, which is non-commercial in nature, the said fact has not been disputed by learned State counsel, the conclusion of trial shall take sufficient long time, this Court is of the considered view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period. The petitioner is ordered to be released on bail subject to his furnishing personal and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned.

5. The present petition is allowed in view of afore-said terms.

6. However, it is made clear that any observation made hereinabove, shall not be construed as an expression of opinion on the merits of the case.

24th MAY, 2023
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(SANDEEP MOUDGIL)
JUDGE

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