

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-17603-2023
Date of decision: 13.12.2023

Gurjodh Singh @ JodhaPetitioner

versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. Rohit Ahuja, D.A.G., Punjab
for the respondent-State.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.12 dated 19.01.2022 under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Gate Hakima, District Police Commissionerate Amrtisar.
2. The FIR in question was registered on the basis of a secret information wherein the petitioner and his brother Prabhjodh Singh @ Sonu @ Prabjot Singh are alleged to be involved in the trade of Narcotics. Relying upon the secret information, the police conducted Nakabandi and apprehended the petitioner as well as his brother. On conducting search, recovery of 270 grams of heroin has been effected from the petitioner.
3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is a matter of trial whether the quantity of contraband recovered from the petitioner is commercial or not. He submits that the petitioner has clean antecedents as

he is not involved in any other case. Moreover, co-accused Prabhjodh Singh @ Sonu @ Prabjot Singh has already been granted regular bail by this Court vide order dated 27.04.2022 passed in CRM-M-16466-2022. He submits that petitioner is in custody since 19.01.2022. He further submits that investigation in the present case is complete; challan has been presented; charges have been framed and the case is now fixed before the trial Court for prosecution evidence. Out of total 13 witnesses, none has been examined so far. He further submits that trial may take a considerable time to conclude, therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. Per contra, learned State counsel while placing on record the custody certificate opposes the prayer for grant of regular bail to the petitioner on the ground that recovery of 270 grams of heroin has been effected from the petitioner. He, however, submits that petitioner is in custody for the last 01 year and 10 months; investigation in the present case is complete; challan has been presented; charges have been framed and out of total 13 witnesses, none has been examined so far. He also conceded the fact that the petitioner is not involved in any other case.

5. I have heard learned counsel for the parties and perused the record.

6. Keeping in view the custody of the petitioner, which is 01 year, 10 months and 22 days; investigation in the present case is complete; challan has been presented; charges have been framed; out of 13 prosecution witnesses, none has been examined so far; the petitioner is not involved in any other case; co-accused Prabhjodh Singh @ Sonu @ Prabjot Singh has already been granted regular bail by this Court and trial is likely

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to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

7. The petition stands disposed of accordingly.

13.12.2023
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(NAMIT KUMAR)
JUDGE

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