

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-17172-2023
DECIDED ON: 19.04.2023**

GURJEET SINGH @ GURJIT SINGH @ SODHIPETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Ashok Giri, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

In the instant petition, petitioner seeks regular bail under Section 439 Cr.P.C., for grant of regular bail in FIR No. 31 dated 04.03.2022 under Section 15 of NDPS Act, registered at police Station Sadar Patiala, District Patiala.

Learned counsel for the petitioner contends that in the instant FIR, recovery of alleged contraband is 280 Kgs. of Poppy Husk. Petitioner is one of the three accused persons, who have been named in the FIR and all three were arrested. It is the contention of the petitioner that the whole action of the prosecution was initiated on the basis of a secret information wherein admittedly co-accused namely Davinder Singh and Amreek Singh were transporting Poppy Husk, which was not in the knowledge of the petitioner at all, as the said contraband was in 14 bags.

It is also evident on behalf of petitioner that he is behind the bars for more than one year and there are chances of delay in the prosecution case as

Forensic Science Laboratory Punjab SAS Nagar dated 29.03.2023 (Annexure P-1), the samples of seal marked as 'VK' were not sent as is evident from Sr. No. 6 sealed by the said lab, and therefore, the seal could not be properly investigated by the said law to be the same and there is no basis on what it has been calculated that the seal was found intact and was not tempered with.

Considering the fact that the petitioner has suffered 1 year 1 month and 11 days already in custody wherein the trial is likely to take sometime as only one witness has been examined out of the total 14 and recovery of contraband was effect from the co-accused Davinder Singh and Amreek Singh, where no useful purpose would be served and rather it would violate Article 21 of the Constitution of India, which enshrines life and liberty, particularly in the light of the fact that the trial Court is to take long time and furtherance of his proceedings as is evident of the record. Therefore, as discussed above, the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate, Patiala.

The present petition is, therefore, allowed.

(SANDEEP MOUDGIL)
JUDGE

19.04.2023
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>