

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(210)

CRM-M-22704 of 2021
DATE OF DECISION:-21.02.2023

Gagandeep Singh @ Gaggi

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Davinder Kumar, Advocate, for
Mr. P. K. S. Phoolka, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail in case FIR No.0039 dated 28.06.2020 under Sections 22 of NDPS Act, 1985, registered at Police Station Baja Khana, District Faridkot.

Learned counsel for the petitioner submits that there is no other case pending against the petitioner specially of similar nature. He further submits that the investigation in the present case already stands concluded with the filing of *challan* and even charges have been framed whereas, even after the expiry of more than two and half years now, only 2 of the witnesses as cited by the prosecution have been examined, out of total 15. The petitioner is behind the bars for a period of 2 years 7 months and 24 days now and the conclusion of the trial is likely to take some time. Learned counsel also submits that no useful purpose is going to be served for keeping the petitioner behind the bars for any further period, thus, the petitioner deserves the concession of regular bail.

On the other hand, learned State counsel opposes the prayer made

herein while submitting that the present case is of heavy recovery of 300 tablets of Clovidol-100 and 2350 tablets of Etizolam, thus, petitioner does not deserve the concession of regular bail.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

The investigation in the present case already stands concluded with the filing of challan and even the charges have been framed. Petitioner is behind the bars for a period of 2 years, 7 months and 24 days now and the trial is likely to take time in view of the fact that out of total of 15 witnesses as cited by the prosecution, only 2 have been examined so far. There does not appear to be any justification for extending the further incarceration of the petitioner, thus, the petitioner deserves the concession of regular bail.

Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

21.02.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No