

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

217

CRM-M-20257-2023

Date of Decision: 20.09.2023

Gurpreet Singh @ Gora

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Harpal Singh Sidhu, Advocate,
for the petitioner.

Mr. Ravinder Singh, AAG, Punjab.

VIKAS SURI, J.

[1] This is a petition under Section 439 Cr.P.C. seeking regular bail filed on behalf of the petitioner in case FIR No.15 dated 16.02.2023, under Section 18 of the NDPS Act, registered at Police Station Kulgarhi, District Ferozepur.

[2] Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case and the alleged recovery of 1.2 Kg of opium has been planted upon him. The recovery alleged to have been effected from the petitioner, was not from his conscious possession, rather from the dashboard of the vehicle he was driving. It is further submitted that petitioner is in custody from the date of his arrest i.e. 16.02.2023; he is a first offender as there is no other case against him;

challan stands presented and since the date of framing of charges only one prosecution witness has been examined so far out of 11 witnesses cited, thus, trial would take considerable time to conclude. He, thus, submits that no useful purpose would be served by detaining the petitioner behind bars and prays for grant of bail to him on any conditions so imposed by this court.

[3] Learned State counsel has filed the status report by way of affidavit dated 16.08.2023 along with custody certificate dated 19.09.2023 in Court today, which are taken on record. A copy thereof furnished to learned counsel for the petitioner.

[4] *Per contra*, learned State counsel vehemently opposes the present petition by contending that petitioner was apprehended at the spot on the basis of a secret information, while coming on his *ghora traulla* bearing No.PB-04V-9847 and recovery of 1.2 Kg. opium was effected from the dashboard of the said vehicle. He submits that the petitioner is the registered owner of the said vehicle and the plea of conscious possession cannot be refuted. However, he is unable to dispute the other factual aspects recorded above.

[5] Heard rival contentions of learned counsel for the parties.

[6] Keeping in view of the fact that the petitioner is in custody since 16.02.2023; the trial is likely to take considerable time to conclude, as till date only one prosecution witness has been examined out of 11 witnesses cited; the alleged recovery effected from the petitioner falls under non-commercial category; petitioner being first time offender and not involved in

any other case as per custody certificate, no useful purpose would be served by detaining him behind bars for an indefinite period.

[7] Accordingly, the instant petition is allowed and the petitioner is ordered to be released on regular bail subject to his execution of adequate personal bond and furnishing surety/sureties to the satisfaction of concerned trial Court/Duty Magistrate.

[8] However, anything observed hereinabove is only for the purpose of instant petition and is neither an expression on the merits of the case nor shall the trial Court advert to these comments.

September 20, 2023
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(VIKAS SURI)
JUDGE

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