

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-21935-2023 (O&M)

Date of decision: 19.07.2023

GURMEET SINGH ALIAS GEETA

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Neeraj Madaan, Advocate for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 217 dated 23.07.2020 registered under Section 22 of the NDPS Act and Section 42-A of the Prison Act, at Police Station City Ferozepur, District Ferozepur.

Learned counsel for the petitioner submits that the petitioner was indicted in the present case on the disclosure statement of co-accused Adarsh Kumar, Jail Warden; that the petitioner was convict at the time of alleged occurrence and his sentence was suspended vide order dated 02.06.2023 passed by Coordinate Bench; that even as per the FIR, no contraband and drug money was recovered from the petitioner, who has been in custody for the last more than 02 years and 06 months and that out of 10 prosecution witnesses, none has been examined so far.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner has paid money to Adarsh Kumar, Jail Warden, to supply the drugs and recovery of contraband with drug money has

been effected from Adarsh Kumar and that the material witnesses are yet to be examined. However, he does not dispute the custody period of the petitioner.

I have heard the learned counsel for the parties.

The petitioner has been in custody for the last more than 02 years and 06 months. The allegations against the petitioner are that he has paid money for drugs to co-accused Adarsh Kumar but the fact remains that no drug money and contraband had been recovered from the petitioner. Rather the same has been effected from co-accused Adarsh Kumar. The petitioner has been indicted on the disclosure statement of said co-accused. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take a long time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

19.07.2023

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No