

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

CRM-M-25114-2023

Decided on:-22.05.2023

Gurjant Singh @ Jattu @ Onu @ Gopi

....Petitioner..

vs.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Baldev Singh Mann, Advocate for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA J.

1. By way of present petition filed under Section 439 Cr.P.C, prayer has been made for grant of regular bail in case FIR No.109 dated 09.10.2013, under Sections 21 and 22 of the NDPS Act, 1985, Police Station Islamabad, District Amritsar.
2. In the present case, the petitioner was apprehended on account of alleged recovery of 10 grams of heroin.
3. Learned counsel for the petitioner contends that though the petitioner was granted regular bail, but later on was declared as proclaimed offender and, thereafter, was apprehended on 22.11.2021 and since then he is in custody i.e. for the last 1 year and 6 months, thus, he prays for grant of regular bail.
4. On the other hand, learned State counsel opposes the prayer made on behalf of the petitioner while submitting that the petitioner is involved in 04 other cases of similar nature, out of which in one, he has already stands convicted involving 4 grams of heroin and has already

undergone the sentence; and in remaining three cases, he is on bail.

5. 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.

6. In the present case, the petitioner has been allegedly involved in the present case on account of recovery of 10 grams of heroin and was granted regular bail in the year 2014, but he absented himself on 13.10.2014, followed by his declaration as proclaimed offender on 16.11.2015. Thereafter, the petitioner was again apprehended on 22.11.2021 and since then he is behind the bars, having suffered incarceration for more than 1 year and 6 months. Even the charges have not been framed so far and the trial is thus, likely to take some time.

7. Considering the fact that the investigation already stands concluded, besides the recovery in the present case being of non-commercial quantity and the fact that the petitioner has already suffered incarceration for a period of 1 year and 6 months, I do not find any reason to extend the incarceration of the petitioner any further. In addition, petitioner has already been granted the concession of regular bail in the other three cases pending against him.

8. In view of the above, without expressing any opinion on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail bonds and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

22.05.2023
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(HARKESH MANUJA)
JUDGE

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