

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30293-2023
DECIDED ON: 20.06.2023

GURWINDER SINGH @ GOPI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL.

Present: Mr. Ramandeep, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. A.G, Punjab.

VIKRAM AGGARWAL, J (ORAL)

1. The prayer in the present petition preferred under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in FIR No.30 dated 01.02.2023 registered under Sections 21, 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "NDPS Act") at Police Station Patran, District Patiala, Punjab.

2. On 01.02.2023, Harpal Singh and Hardeep Singh @ Deepa were apprehended and 7 grams of heroin along with 1200 tablets of alprazolam were recovered from them. On interrogation, they disclosed the name of the present petitioner and stated that they had purchased the alprazolam tablets and heroin from him. The present petitioner was arrested on 17.02.2023.

3. Learned counsel for the petitioner contends that the petitioner was nominated as an accused on the basis of the disclosure statement suffered by the main accused Harpal Singh and Hardeep Singh @ Deepa. He further submits that the petitioner is in custody since 17.02.2023; final report under

Section 173 Cr.P.C. has been submitted; no recovery has been made from him

in the present case; he is an accused in another case under the NDPS Act but is on bail in the said case; trial will still take a sufficiently long time and, therefore, no useful purpose would be served by keeping the petitioner in custody any longer.

4. On the other hand, learned counsel representing the State of Punjab has opposed the bail petition. However, it has been admitted that the petitioner is in custody for the last four months as per the custody certificate filed in the Court today. The custody certificate also states that the petitioner is on bail in the other case registered against him under the NDPS Act.

5. The petitioner was nominated as an accused in the present case on the statement of Harpal Singh and Hardeep Singh @ Deepa who were found to be in possession of 7 grams of heroin and 1200 tablets of alprazolam. No recovery was made from him. He is in custody for the last four months. Whether he was actually involved or not shall be determined after the trial. Final report under Section 173 Cr.P.C. has been submitted. Trial will still take a sufficiently long time and, therefore, no useful purpose would be served by keeping the petitioner in custody any longer.

In view of the aforementioned facts and circumstances, without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Judicial Magistrate/Duty Magistrate, Patiala.

(VIKRAM AGGARWAL)
JUDGE

20.06.2023
Prince Chawla

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