

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

CRM-M-33063-2022 (O&M)

Date of Decision: February 23, 2023

GURBACHAN SINGH @ MINTA

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Fariad Singh Virk, Advocate for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 439 CrPC, prayer has been made for grant of regular bail pending trial in case FIR No.25 dated 27.01.2022 under Sections 22 & 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Rajpura District Patiala (Annexure P-2).

Learned counsel for petitioner submits that in the present case investigation already stands concluded by way of filing challan on 20.07.2022 whereas the charges have not been framed so far. Out of the total 12 witnesses as cited by prosecution, none has been examined so far. The petitioner was never apprehended on spot and implicated later on a disclosure made by one co-accused namely Jaswinder Singh alias Jassi who has already been granted the concession of bail vide order of even date passed in CRM-M-36727-2022.

On the other hand, learned State counsel opposes the prayer made on behalf of the petitioner while submitting that in the present case recovery is of commercial quantity and there is one other case pending against the petitioner though, not under the provisions of NDPS Act.

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

In the present case, the investigation already stands concluded whereas the petitioner is behind bars for almost 1 year and 22 days, however, even charges have not been framed and thus the trial is likely to take some time. More than that the petitioner was implicated based on a disclosure made on behalf of one co-accused who has already been granted the benefit of regular bail vide order of even date passed in CRM-M-36727-2022.

In view of observation made by this Court in the order dated 18.07.2022 in case of “Raj Vikram Singh Vs. State of Punjab” CRM-M-46822-2021 decided on 18.07.2022, the instant petition is allowed subject to his furnishing of adequate bail bonds/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

23.02.2023
tejwinder

(**HARKESH MANUJA**)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>

