

CRM-M-34525 of 2022

[1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-34525 of 2022

Date of decision: 28th February, 2023

Gagandeep Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. P. S. Sekhon, Advocate for the petitioner.
Mr. I. S. Mann, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

This is third petition seeking regular bail in FIR No. 45 dated 30.3.2020, under Sections 21 and 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (for short, 'the Act'), registered at Police Station STF Phase IV SAS Nagar, Mohali.

The earlier petitions were dismissed as withdrawn.

The brief facts are that on 30.3.2020, the police party acting upon a secret information checked motor-cycle bearing registration No.PB-11-CC-2286 driven by the petitioner, accompanied by his wife and minor son. Two hundred and sixty grams of heroin was recovered from the conscious possession of the petitioner.

Learned counsel for the petitioner submits that the petitioner is in custody since 30.3.2020, the petitioner is not involved in any other case. He further submits that recovery was marginally higher than the

commercial quantity. He relies upon the decision of the Supreme Court in *SLP (Crl.) No. 6690 of 2022-Dheeraj Kumar Shukla v. The State of Uttar Pradesh*, decided on 25.1.2023.

Learned counsel for the State opposes the prayer for grant of bail. He submits that out of nineteen prosecution witnesses, three have been examined. He on instructions fairly submits that the petitioner is not involved in any other case.

The observations made hereinafter are only for the purpose of deciding the bail petition and shall not be construed as an expression of opinion on the merits of the case.

Considering that the recovery from the petitioner was marginally higher than the quantity stipulated in the Schedule to the Act for commercial quantity; the petitioner is incarceration for almost three years; there is no decent progress in trial, conclusion of trial is likely to take time, he has no criminal antecedents and in similar circumstances the Supreme Court in *Dheeraj Kumar Shukla's case (supra)* granted bail, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

28th February, 2023

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1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No