

CRM-M No.32990 of 2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No. 303

CRM-M No.32990 of 2023

Date of Decision: 15.11.2023

Gurpreet Singh @ Rimpee

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vipul Jindal, Advocate,
for the petitioner.

Mr. P.S. Pandher, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

Petitioner is praying for regular bail in case FIR No.183, dated 16.10.2021, registered under Sections 18 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred as 'the NDPS Act'), at Police Station City Moga.

This is a second petition. The earlier petition was dismissed as withdrawn on 09.03.2023 passed in CRM-M-41043-2022 (Annexure P-4).

As per the allegations, 24 kgs of the opium along with drug money of Rs.4,00,000/- was recovered from the possession of the petitioner on 16.10.2021.

Learned counsel for the petitioner contends that petitioner has been falsely implicated; that he has nothing to do with the recovered

contraband. Learned counsel further contends that petitioner is in custody for the last more than 02 years, with no criminal antecedent and that the trial is likely to take long time to conclude.

Learned State counsel has opposed the bail petition on the ground that recovered quantity of contraband falls in the commercial category.

Heard.

A perusal of the custody certificate reveals that the petitioner is in custody for the last 02 years and 22 days, with no criminal antecedent.

It is further informed that out of 19 witnesses cited by the prosecution, examination-in-chief of only two of the witnesses have been recorded. The trial will take long time. It is also informed that the petitioner has no criminal antecedent.

In the aforesaid circumstances, the rigor of Section 37 of the NDPS Act is required to be balanced with Article 21 of the Constitution of India providing for the fundamental right of the life and liberty, of which the right of speedy trial forms part.

Considering all the aforesaid facts and circumstances of the case, but without commenting anything on the merits of the case, the petitioner is admitted to bail. He is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned.

Allowed.

15.11.2023

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(DEEPAK GUPTA)

JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No