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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37003-2023 (O&M)
Date of decision: 04.08.2023

GURDEV SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Ms. Ramandeep Kaur, Advocate for
Mr. G.S. Sandhu, Advocate, for the petitioner.

Mr. J. S. Arora, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 17 dated 03.03.2022, under Sections 22 and 29 of the NDPS Act, registered at Police Station Sadar Budhlada, District Mansa, Punjab.
2. Learned counsel for the petitioner has submitted that the petitioner is in custody for more than one year and five months and as per the allegations, there was recovery of 1200 tablets of *Alprozolam* and 1200 capsules of *Tramadol* from the petitioner and the other co-accused. She further submitted that till date not even a single witness has been examined despite the fact that the charges were framed on 08.03.2022 and there is no justification as to why

the prosecution witnesses have not deposed before the Court. She further submitted that the petitioner has clean antecedents and is not involved in any other case and has been falsely implicated in the present case. She has referred to Annexure P-3, wherein the other co-accused, namely, Jasvir Singh alias Kala has already been extended the benefit of regular bail by a Coordinate Bench of this Court in CRM- M-31977 of 2023 on 12.07.2023 and the present petitioner is exactly at parity with the aforesaid co-accused and, therefore, he may be considered for the grant of regular bail.

3. On the other hand, Mr. J. S. Arora, DAG, Punjab has submitted that it is correct that the petitioner is in custody for more than one year and five months and he is at parity with the other co-accused, namely, Jasvir Singh alias Kala and he is not involved in any other case.

4. I have heard the learned counsel for the parties.

5. The petitioner has already faced incarceration of more than one year and five months, although the recovered quantity from the present petitioner and the other co-accused falls in the category of commercial quantity under the NDPS Act but the other co-accused has already been extended the benefit of regular bail by a Coordinate Bench of this Court and he is stated to be at parity with the present petitioner. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may influence any prosecution witness or may tamper with evidence or may flee from justice.

6. Therefore, considering the aforesaid totality and circumstances of the case especially in view of the long custody of the petitioner, which is stated

to be more than one year and five months, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

04.08.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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