

CRM-M-42035-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42035-2020

Date of decision: 29.08.2023

GURPREET SINGH

...Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Mohit Jaggi, Advocate,
for the petitioner.

Mr. C.L.Pawar, Addl. A. G. Punjab.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this petition, the petitioner seeks regular bail in case FIR No.285 dated 31.08.2019, registered at Police Station Sohana, District SAS Nagar, Mohali, under Sections 21, 22 and 29 NDPS Act.

2. As per the prosecution version, recovery of 50 injections containing the salt of Buprenorphine and 50 gram intoxicating powder had been effected from the petitioner.

3. Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that extent of intoxicating powder allegedly recovered from the petitioner falls under non-commercial quantity; that though extent of intoxicating injections allegedly recovered from the petitioner, falls under commercial quantity, yet the fact remains that the petitioner has been in custody for the last 04 years and that out of 17 prosecution witnesses, none has been examined till date. So far as another case i.e. FIR No.239 dated 26.10.2019, under Section 21 NDPS

CRM-M-42035-2020

Act and Section 52-A Prison Act, Police Station Tripri Town, registered against the petitioner, is concerned, he has been bailed out therein, vide order dated 03.12.2020 passed by learned JMIC, Patiala. In support of his contentions, learned counsel for the petitioner relies upon the order dated 15.03.2023 passed by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No. 1166-2023 titled as 'Chet Ram @ Ram Veer Vs. Union of India'.

4. On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that recovery of intoxicating injections effected in the present case, falls under commercial quantity and that Section 37 NDPS Act bars the grant of bail to the accused in case of commercial quantity. It is further submitted that material witnesses are yet to be examined and that the petitioner is a habitual offender.

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

6. Indisputably, extent of intoxicating injections recovered in the present case, falls under commercial quantity, but the fact remains that the petitioner has been in custody for the last 04 years. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. As pointed out above, the petitioner stands released on bail in another case registered against him under the NDPS Act.

7. The Hon'ble Supreme Court in Chet Ram @ Ram Veer, while granting the benefit of bail to the petitioner therein, has held as under:

“Considering the circumstances- especially that he has undergone detention for 3 and a half years and the conclusion of trial is most likely in the distant future, he is enlarged on bail subject to such conditions as the trial court deems appropriate to impose on him.”

CRM-M-42035-2020

8. In view of the above, this Court finds that no useful purpose would be served by keeping the petitioner behind the bars. Resultantly, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

29.08.2023
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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