

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42942-2020 (O&M)

Date of Decision:05.01.2023

Gurtej Singh

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. G. S. Bhinder, Advocate for
Mr. Robin Singh Hooda, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 135 dated 23.06.2020, under Section 22 of the NDPS Act registered at Police Station Kotwali Patiala, District Patiala, who is alleged to have possessed contraband of 171 strips of Parvon Spas Plus capsules each strip containing 10 capsules total 1710 capsules, 25 strips of Alprazolam Tablets I.P. 05m.g each strip containing 15 tablets total 750 tablets and 05 strips of Lomotil each strip containing 60 tablets total 300 tablets.

Learned counsel for the petitioner contends that the petitioner is in custody since 23.06.2020. He submits that the petitioner has been falsely implicated in the present case and he is not involved in any other case under the NDPS Act. He further submits that the conclusion of trial

will take sufficient time as out of total 18 witnesses, only two have been examined till date, therefore, the petitioner be enlarged on bail.

Custody certificate has been filed by the respondent-State, which is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature but does not dispute the fact that the petitioner is in custody for more than 02 year and 06 months and out of total 18 witnesses, only 02 have been examined till date.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 23.06.2020.

It is not a case made out by the respondent-State that the concession of bail if granted to the petitioner would hamper the course of free and fair trial. Further, since the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

05.01.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No