

CRM-M- 43465-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 43465-2022 (O&M)
Date of Decision: 19.04.2023

Gora Singh

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Piyush Sharma, 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.101 dated 04.12.2021, under Sections 21 and later on added Sections 27 and 29 of the NDPS Act registered at Police Station City 2 Abohar, District Fazilka, who is alleged to have possessed contraband of 260 grams of heroin along with two other co-accused.

Learned counsel for the petitioner contends that the petitioner is in custody since 04.12.2021. He submits that the petitioner has been falsely implicated in the present case as the recovery has not been effected from the conscious possession of the petitioner rather it was from the car, in which there were three persons and the petitioner was a co-passenger. He

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further submits that the recovery has been effected after sun set and the alleged recovery though is joint but is marginally above the commercial quantity. He further submits that co-accused Parveen Kumar has already been allowed regular bail by this Court vide order dated 13.03.2023 passed in CRM-M-11503-2022. It is also submitted that the challan stands presented and the charges have been framed and out of total 17 witnesses, none has been examined till date and that the conclusion of trial will take sufficient time, 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, however, does not dispute the fact that challan stands presented and the charges have been framed.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 04.12.2021.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the recovery is joint and marginally above the commercial quantity and the challan stands presented and the charges have been framed and the co-accused has already been released on bail and 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

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subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

19.04.2023
seema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes /No</i>