

CRM-M-43734 of 2023 (O&M)

2023:PHHC:142130

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-43734 of 2023 (O&M)

Date of decision: 07.11.2023

Gurpreet Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. G.S. Sandhu, Advocate, for the petitioner.
Mr. M.S. Bedi, Addl. A.G., PUnjab.

NAMIT KUMAR, J.

CRM-44130 of 2023

1. This application has been filed by the applicant-petitioner for preponement of date of hearing of the main case from 07.11.2023 to some early date.

2. Dismissed as having been rendered infructuous.

CRM-M-43734 of 2023

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.64 dated 22.02.2022 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Budhlada, District Mansa.

2. As per FIR, on 22.02.2022, SI Karam Singh received information from MHC that ASI Bhola Singh alongwith police party was going in connection with patrolling. They had apprehended two person near Guru Teg Bahadar Stadium, Budhlada on suspicion that they might be carrying some intoxicant substance. On receiving the information, SI Karam

CRM-M-43734 of 2023 (O&M)

2023:PHHC:142130

Singh alongwith police party reached at the spot and enquired from the apprehended person who disclosed their names as Jagdeep Singh son of Harpal Singh, resident of Bhalamgarh, District Sri Muktsar Sahib and Gurpreet Singh (present petitioner) son of Bohar Singh resident of Bhalamgarh, District Sri Muktsar Sahib. Recovery of 20 vials of Omerex (each of 100 ML) and 300 tablets of Carisoma was effected from the possession of accused Jagdeep Singh and recovery of 20 vials of Omerex (each of 100 ML) and 300 tablets of Carisoma was effected from the possession of petitioner-Gurpreet Singh. They were arrested in the present case and present case was registered.

3. Learned counsel for the petitioner submitted that the petitioner is innocent and has been falsely implicated in the present case as no recovery has been effected from the conscious possession of the petitioner. He further submitted that petitioner is in custody since 22.02.2022. Learned counsel further submitted that investigation in the present case is complete; challan has been presented; charges have been framed on 26.07.2022 and out of total 11 prosecution witnesses none has been examined till date. He further submitted that petitioner is not involved in any other case. Trial may take a considerable time to conclude. He further submitted that co-accused, namely, Jagdeep Singh has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 17.08.2023 passed in CRM-M-7430 of 2023. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. *Per contra*, learned State counsel while placing on record status report has opposed the prayer for grant of regular bail to the petitioner by submitting that contraband recovered from the petitioner falls under the

CRM-M-43734 of 2023 (O&M)

2023:PHHC:142130

‘commercial quantity’. He further submitted that keeping in view the seriousness of allegations against the petitioner he is not entitled for regular bail. However, he has not disputed that investigation in the present case is complete; challan has been presented; charges have been framed; out of total 11 prosecution witnesses none has been examined so far; petitioner is in custody for the last 01 year 08 months and 16 days; he is not involved in any other case and co-accused of the petitioner has been granted regular bail by this Court.

5. I have heard learned counsel for the parties and perused the record.

6. Keeping in view the custody of the petitioner, which is about 01 year 08 months and 16 days; investigation is complete; challan has been presented; charges have been framed; out of 11 witnesses, none has been examined so far; petitioner is not involved in any other case; co-accused of the petitioner has been granted regular bail by a Co-ordinate Bench of this Court and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

7. The petition stands disposed of accordingly.

07.11.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No