

CRM-M-44893-2023

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-44893-2023
Date of Decision: 15.09.2023

Satnam Singh @ Joti Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Manoj R. Sharma, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.34 dated 13.04.2023, under Sections 21, 27-a and 29 of the NDPS Act, registered at Police Station Tibber, District Gurdaspur.
2. Learned counsel for the petitioner submitted that the petitioner is in custody for 5 months and 2 days and the investigation of the case has already been completed and thereafter, challan has also been presented before the competent Court. He further submitted that the petitioner is not involved in any other case under the NDPS Act but he is involved in one case under Sections 304 & 120-B IPC in which he is already on bail. He submitted that even otherwise also, the allegations against the petitioner were with regard to recovery of only 5 grams of *Heroin* and that was also planted upon the petitioner. He further submitted that the other co-accused, namely, Gagandeep Singh @ Gagan has since been extended the benefit of

regular bail by a Co-ordinate Bench of this Court in CRM-M-33762-2023 on 20.07.2023 vide Annexure P-3. He submitted that considering the aforesaid facts and circumstances of the case especially the alleged quantity recovered from the petitioner, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, learned DAG, Punjab has stated that it is correct that the petitioner is in custody for 5 months and 2 days and the investigation of the case has been completed and now challan has also been presented. He further submitted that it is also correct that the other co-accused, namely, Gagandeep Singh @ Gagan has been extended the benefit of regular bail vide Annexure P-3 and the recovered quantity from the petitioner is 5 grams of *Heroin*. He has however opposed the grant of bail to the petitioner on the ground that although he is not involved in any other case under the NDPS Act but he is involved in one case under Section 304 & 120-B IPC.

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

5. It is a case where the petitioner is in custody for 5 months and 2 days. The petitioner is stated to be not involved in any other case under the NDPS Act and the recovered quantity from the petitioner is only 5 grams of *Heroin*. The other co-accused, namely, Gagandeep Singh @ Gagan has since been extended the benefit of regular bail by a Co-ordinate Bench of this Court in CRM-M-33762-2023 on 20.07.2023 vide Annexure P-3. The trial of the case may take long time. Therefore, considering the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant regular bail to the petitioner.

6. Consequently, the present petition is allowed and the petitioner

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is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

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

15.09.2023 (JASGURPREET SINGH PURI)
Bhumika JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |