

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-46870-2022

Gursahib Singh
Vs.
State of Punjab

.....Petitioner
.....Respondent

CRM-M-26843-2023

Bhupinder Singh @ Laddi
Vs.
State of Punjab

.....Petitioner
.....Respondent

Date of Decision.:25.09.2023

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. L.S. Sekhon, Advocate
for the petitioners.

Mr. Parneet Singh Pandher, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

Prayer in both the petitions titled above filed under Section 439 Cr.P.C. is for grant of regular bail in case FIR No.105 dated 08.07.2021 registered under Sections 21(c), 29 of NDPS Act registered at Police Station Sadar Tarn Taran, District Tarn Taran.

Allegations of the prosecution are that 315 grams of Heroine was recovered from a plastic bag, when the two petitioners were occupying a motorcycle on 08.07.2021.

Learned counsel for the petitioners contends that both the petitioners are in custody for the last 02 years 02 months and 15 days and despite framing of charge on 02.04.2022, not even a single witness has been

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examined so far.

Separate status reports in both the cases have been filed.

Learned State counsel opposed the bail petition but does not dispute the aforesaid fact that not even a single witness has been examined so far, though the charges were framed on 02.04.2022.

Custody certificate of both the petitioners reveals that petitioners are in custody for the last 02 years 02 months and 15 days. Petitioner Gursahib Singh is involved in two more cases pertaining to NDPS Act, whereas, petitioner Bhupinder Singh @ Laddi is involved in one more case pertaining to NDPS Act.

Considering the long incarceration and the fact that trial is not proceeding further, as prosecution is not taking interest in examining the witnesses and also considering the fact that despite framing of charge on 02.04.2022, not even a single witness has been produced so far, but without commenting anything further on the merits of the case, both the petitions are allowed and petitioner(s) are admitted to bail on their furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

A photocopy of this order be placed on the connected case file.

(DEEPAK GUPTA)
JUDGE

September 25, 2023

Neetika Tuteja

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No