

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-48176-2023
Date of decision: 07.11.2023

GURKIRAT SINGH @ SAGARPetitioner

Versus

STATE OF PUNJAB ...Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Prikshit Thakur, Advocate for
Mr. Rahul Bhargava, Advocate for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 439 Cr.P.C, the
petitioner seeks regular bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Section	Police Station
0105	26.06.2023	18 of NDPS Act and Section 29 of NDPS Act added later on.	Gharinda, District Amritsar Rural.

2. Learned State counsel has placed on record the custody certificate of the petitioner dated 07.11.2023. The same is taken on record and copy thereof has been supplied to learned counsel representing the petitioner.
3. Heard on the bail application.
4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. Learned counsel for the petitioner further submits that the petitioner is in custody since 26.06.2023 and as per the allegations levelled by the police

the co-accused at the time of his apprehension. He further submits that the petitioner is not involved in any other case of NDPS Act and prays for grant of bail.

5. Learned State counsel has opposed the request, however, he submitted that the petitioner is not involved in any other case under the NDPS Act, but one criminal case under Sections 323 and 452 of IPC is pending against him. He further submits that after completion of investigation, challan has been presented in the Court and the charges have been framed.

6. After considering the rival contentions, it transpires that from the possession of the petitioner, alleged recovery of one kg of opium was effected, which does not fall within the purview of the commercial quantity. There is no other case under NDPS Act registered against the present petitioner. Moreover, the challan has already been presented before the Court and the charges have been framed. The conclusion of trial to ascertain the criminal liability, if any, of the petitioner will take sufficiently long time and no purpose would be served by keeping the petitioner in custody any longer. Therefore, considering the antecedents of the petitioner and also the facts of the case, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of the learned trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

07.11.2023
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |