

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-56173-2022

Date of decision: 21.07.2023

Gurpreet Singh alias Gori

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.145 dated 24.09.2022 under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Kabarwala, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner inter alia contends that the petitioner, who has been in custody since 24.09.2022, has been falsely implicated in the case in hand for having been allegedly found in possession of 15 grams of heroin. He submits that there is no likelihood of the trial concluding in the near future as only 01 out of the 15 prosecution witnesses cited have been examined till date. A prayer has, therefore, been made to enlarge the petitioner on bail.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner on instructions, has not disputed that a recovery of 15 grams of heroin (non-commercial

quantity) was effected from the petitioner, however, he submits that the petitioner had earlier also been involved in 02 cases under the NDPS Act out of which in 01 case he has been convicted.

4. On a pointed query put to the learned State counsel, it has been submitted that even in the earlier cases registered under the NDPS Act, the recovery effected was 10 grams of heroin.

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

6. The petitioner has been in custody since 24.09.2022. The recovery allegedly effected from the petitioner falls under non-commercial quantity. The trial shall take considerable time to conclude as 14 prosecution witnesses still remain to be examined. In view of the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordigly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

21.07.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No