

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-56880-2022

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Date of Decision: 6th October, 2023

Gurpreet Singh alias Bunty

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. PS Sekhon, Advocate for the petitioner

Mr. Jashanpreet Singh, Deputy Advocate General, Punjab.

AVNEESH JHINGAN , J.(Oral)

1. This second petition is filed under Section 439 of Cr.P.C. seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
191	24.9.2021	Bhawanigarh, District Sangrur	22 (Act No. 61) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act')

2. Brief facts of the case are that the police party on 24.9.2021 acting upon secret information apprehended the petitioner and recovered 600 tablets containing 330 grams of Tramadol salt.

3. Learned counsel for the petitioner submits that the petitioner is in custody since 24.9.2021, there is no progress in the trial and the petitioner is not involved in any other case. The contention is that out of 600 tablets 300 were expired medicines. He relies upon the decision of *Supreme Court* in *Special Leave to Appeal (Crl.) No.(s)*

13th July, 2023, *Special Leave to Appeal (Crl.) No(s), 3221/2023 titled as Hasanujjaman and ors vs. The State of West Bengal, Special Leave to Appeal (Crl.) No.1166/2023 titled as Chet Ram @ Ram Veer vs. Union of India* decided on 15th March, 2023 and *SLP (Crl.) No. 6690 of 2022-Dheeraj Kumar Shukla v. The State of Uttar Pradesh* decided on 25th January, 2023.

4. Learned State counsel opposes the prayer and submits that out of fifteen prosecution witnesses one has been examined.

5. On one hand, personal liberty of the petitioner is deprived and on the other hand, there is no progress in the trial. The Supreme Court in cases cited above in similar circumstances considering violation of Article 21 of Constitution of India granted bail taking into account the custody period and the fact that trial was not progressing. No useful purpose would be served by depriving the personal liberty of the petitioner and conclusion of trial is likely to take time, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

6. The petition is allowed.

7. Since the main case has been allowed, pending application if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

6th October, 2023
anuradha

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No