

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

208A

CRM-M-57294 of 2022
DATE OF DECISION:-09.02.2023

Dilbagh Singh now known as Gagandeep Singh @ Gagan ...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Hasrat Brar, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of bail pending trial in case FIR No.0073 dated 26.07.2022 under Sections 15, 61, 85 of NDPS Act (Section 29 of NDPS Act, 1985 was added later on), registered at Police Station City Zira, District Ferozepur (Annexure P-1).

Status report by way of affidavit of Palwinder Singh, PPS, DSP, Zira, District Ferozepur, has been filed in Court today. The same is taken on record.

Learned counsel for the petitioner submits that petitioner is behind the bars for the last more than 6 months now, the investigation stands concluded with the filing of challan on 12.01.2022. Learned counsel further submits that there is no other case of similar nature pending against the petitioner and the alleged recovery is marginally above the non-commercial quantity, thus, prayer has been made for grant of regular bail to the petitioner.

On the other hand, learned State counsel opposes the prayer made at the instance of petitioner while submitting that the recovery in the present case is of commercial quantity and the period of custody is less.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

Considering the fact that, petitioner has already remained behind the bars for the last more than 6 months now, the investigation stands concluded with the filing of *challan*, besides, the fact that there is no other case of similar nature pending against the petitioner, there would be no justification for extending the incarceration of the petitioner. Thus, petitioner deserves the concession of regular bail.

Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

09.02.2023.
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No