

295 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-61557-2023

Decided on:-12.12.2023

Gurtej Singh

....Petitioner..

vs.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Lakhwinder Singh Lakhanpal, Advocate
for the petitioner.

Mr. G.S. Dhillon, AAG, Punjab.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case bearing FIR No.167, dated 17.12.2022, registered under Section 22/61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "NDPS Act"), at Police Station Ghanaur, District Patiala.

2. In the present case, the petitioner has been implicated for the alleged recovery of 56 strips each containing 60 intoxicant tablets i.e. 3360 of Lomitil Diphenoxylate Hydrochloride and Atropine Sulphate, weighing 215.04 grams.

3. The prayer made herein has been opposed at the instance of learned State counsel while submitting that the recovery in the present case is of commercial quantity and the custody period of the petitioner is too less, thus, he prays for dismissal of the present petition.

4. 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.

5. Admittedly, the petitioner is behind the bars for the past almost 01 year and the investigation in the present case already stands concluded with the filing of challan, followed by framing of charges on 21.08.2023, and thereafter, even after expiry of almost 04 months, none of the prosecution witness has been examined so far out of total 20 witnesses. Moreover, there is serious dispute about the conscious possession of the contraband, beside it, there is no other case of NDPS Act pending against the petitioner. Thus, considering the aforesaid facts, I do not find any reason to extend the incarceration of the petitioner any further.

6. Without commenting anything on the merits of the case, 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 adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

7. It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

12.12.2023
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(HARKESH MANUJA)
JUDGE

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