

Neutral Citation No.2023:PHHC:165550

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-63420 of 2023 (O&M)

Date of decision : 22.12.2023

...

Gurpreet Singh @ Gopa

.....Petitioner

vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Vibha Nagar, Advocate for
Mr. Dinesh Nagar, Advocate for the petitioner.

Mr. Digvijay Nagpal, Assistant Advocate General,
Punjab, for the respondent/State

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MANJARI NEHRU KAUL, J. (ORAL)

This petition has been filed by the petitioner under Section 439 Cr.P.C., seeking concession of regular bail in case FIR No. 70 dated 23.8.2022 under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, (hereinafter referred to as 'the NDPS Act') registered at Police Station Behram, District SBS Nagar.

2. Learned counsel for the petitioner, inter alia, contends that the petitioner has been falsely implicated in the case in hand, on

account of strained relations, with the Investigating Officer of the FIR in question. It has also been submitted that previously also the petitioner had been falsely implicated in another case, for offences under the Indian Penal Code. It has still further been submitted that the alleged recovery effected from the petitioner i.e. 12 injections of Buprenorphine, was just marginally higher than the minimum classified as commercial under the NDPS Act. A prayer has, therefore, been made to enlarge the petitioner on bail, who has now been in custody since 23.8.2022 and there is no likelihood of the trial concluding in the near future as evidence has not yet concluded.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has disputed the submissions made by the counsel opposite qua the false implication of the petitioner on account of his alleged strained relations with the Investigating Officer. It has been submitted that the petitioner was nabbed at the spot alongwith the alleged recoveries. Learned State counsel, has still further submitted that the trial is in fact nearing completion, as only 01 prosecution witness, out of the 09 cited, remains to be examined.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. In the facts and circumstances, as enumerated hereinabove, particularly keeping in view the stage of trial, this Court does not deem it fit to accept his prayer for being released on regular bail.

6. The petition as such is dismissed.

7. 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.

22.12.2023
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(MANJARI NEHRU KAUL)
JUDGE

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