

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
214

CRM-M-981-2024
Date of decision : 15.01.2024

Gurpreet Singh @ Goldy ...Petitioner
Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present : Mr. Ankush Rampal, Advocate
for the petitioner.

Mr. Shubham Kaushik, AAG, Punjab.

HARKESH MANUJA.J. (ORAL)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No. 171 dated 22.09.2023 registered under Sections 21(b), 27. 61 of the NDPS Act at Police Station City Malout, District Sri Muktsar Sahib wherein the petitioner has been implicated against the recovery of 10 grams of heroin.
2. The prayer made on behalf of the petitioner has been opposed by learned State counsel while submitting that the petitioner is a habitual offender as two FIRs under the provisions of the NDPS Act, were earlier registered against him.
3. 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.

4. The petitioner has already undergone incarceration of about more than three and half months and that the alleged recovery is of non-commercial quantity. There are thirteen prosecution witnesses. Though the petitioner is involved in two other cases of NDPS Act of which one pertains to smaller quantity and in other FIR 28/ 2011 the trial already stands concluded, thereby resulting into acquittal of the petitioner.

4. Considering the fact that the investigation in the present case, already stands concluded with the filing of challan and trial is likely to take some time, besides it, the petitioner is already behind the bars for the last almost more than three and half months, I do not find any reason to extend the incarceration of the petitioner any further.

5. 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.

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

(HARKESH MANUJA)
JUDGE

15.01.2024
monika

Whether speaking/reasoned ? Yes/No
Whether Reportable ? Yes/No