

224 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1250-2024

Decided on:-16.01.2024

Gursimranjit Singh @ Simmu

....Petitioner..

vs.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Manbir Singh Basra, 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.56, dated 04.06.2021, registered under Sections 22/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "NDPS Act"), at Police Station Shri Hargobindpur, Police District Batala, District Gurdaspur.

2. In the present case, petitioner has been implicated for the alleged recovery of 70 tablets of 'Etizolam'.

3. Learned counsel for the petitioner submits that the present is a case registered on the basis of a secret information and as to whether the same was ever recorded or reduced into writing, being a relevant fact which can only be gone into at the stage of trial.

4. The prayer made herein has been opposed at the instance of learned State counsel while submitting that out of total 11 prosecution

witnesses, 05 have been examined and the next date fixed before the trial Court is 29.01.2024 and thus, trial is likely to conclude very soon.

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

6. Admittedly, the petitioner is a young boy of 25 years of age having ailing mother, suffering from tumor in the Uterus as is mentioned in report of the doctor dated 22.05.2023 (Annexure P-3) and there is no other case of NDPS Act pending against him.

7. In the present case, investigation already stands concluded with the filing of challan, followed by framing of charges and the petitioner is behind the bars for the past almost 01 year, 07 months & 17 days. Thus, considering the aforesaid facts, I do not find any reason to extend the incarceration of the petitioner any further.

8. 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.

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

16.01.2024
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(HARKESH MANUJA)
JUDGE

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