

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 1669 of 2022 (O&M)
Date of Decision: 01.02.2024

Gurwinder Singh @ Gora

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. K.B. Raheja, Advocate
for the petitioner.

Mr. Gurlal Singh Dhillon, Assistant Advocate General, Punjab

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 439 Cr.P.C., seeks grant of regular bail pending trial in case bearing FIR No. 41 dated 23.05.2021, under Section 22 of NDPS Act, registered at Police Station Lakho Ke Behram, District Ferozepur, wherein the petitioner was implicated on the basis of disclosure statement made by co-accused, Baljinder Singh and Gurnam Singh, from whom recovery of 1600 tablets of Tramadol was made.

[2] Learned counsel for the petitioner submits that the petitioner is in custody since 24.05.2021 and was falsely implicated in the present case; thus prayer is for grant of regular bail to the petitioner.

[3] On the other hand, learned State Counsel vehemently opposes the prayer for grant of regular bail to the petitioner while

submitting that the petitioner is involved in another FIR No. 42 dated 24.05.2021, wherein the recovery of 13500 tablets was effected from the petitioner.

[4] I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made by learned counsel for the petitioner.

[5] In the present case, the investigation stands concluded with the filing of challan followed by framing of charges wayback on 01.04.2022; however, even after the expiry of almost one year and ten months, out of total 13 prosecution witnesses, only 04 have been examined, whereas the custody of the petitioner is more than 2 years and 8 months and thus, apparently his right of speedy trial, flowing from Article 21 of the Constitution of India, has been infringed. Besides it, the petitioner has been implicated merely on the disclosure statement of co-accused, namely, Baljinder Singh and Gurnam Singh, while no recovery has been effected from the petitioner in the present FIR and also, the disclosure statement of the aforesaid co-accused is yet to be tested during the trial. As regards, the involvement of the petitioner in another FIR No. 42 dated 24.05.2021, he has been granted the concession of regular bail by this Court vide order even date passed in CRM-M-16156-2022.

[6] Considering the totality of the circumstances and the fact that the petitioner is behind the bars since 24.05.2021 as also the trial

may take long time, this Court does not deem it appropriate to extend the incarceration of the petitioner.

[7] In view of the above, but without commenting upon merits of the present petition, the same is **allowed**. The petitioner is ordered to be released on bail subject to his furnishing adequate bail bonds / surety bonds to the satisfaction of the Trial Court/Illaqa Magistrate/Duty Magistrate concerned.

[8] Pending miscellaneous application(s), if any, shall also stand disposed off.

February 01, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No