

CRM-M No.2491 of 20242024:PHHC:008850

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.2491 of 2024
Date of Decision: 23.01.2024

PUNEET GARG @ PUNEET KUMAR GARGPetitioner
Vs
STATE OF PUNJABRespondent

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Abhaysher Singh, Advocate (Legal Aid Counsel)
for the petitioner.

Mr. Gurlal Singh Dhillon, Asstt. A.G., 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.158 dated 15.12.2021 registered under Section 22 of the NDPS Act (Section 29 of the NDPS Act added later on) at P.S. Sadar Sangrur, District Sangrur.
2. Learned counsel for the petitioner submits that the petitioner has been implicated on the basis of disclosure statement made by Kamaljit Kaur, who in turn was named in the disclosure statement made by Jaspreet Singh @ Bhonu. In the present case, Jaspreet Singh @ Bhonu and one Prince @ Pinchi were arrested at the spot against alleged recovery of 1000 tablets of Tramadol.
3. The prayer made on behalf of the petitioner has been opposed by learned State counsel by referring to the recovery of the alleged contraband and past antecedents of the petitioner besides his involvement in three more cases under the NDPS Act.

4. I have heard learned counsel for the parties and gone through the paper book as well as the custody certificate. I find substance in the submissions made by learned counsel for the petitioner.
5. In the present case, the petitioner is involved in as many as 10 other cases, however out of which, 03 relate under the NDPS Act; in 02 out 03, he has already been acquitted whereas in the 03rd one i.e. FIR No.73 dated 13.02.2023, he has already undergone his sentence. Moreover in the present case, petitioner has been implicated on the basis of disclosure statement made by Kamaljit Kaur, who in turn was named any another co-accused namely Jaspreet Singh @ Bhonu. Both the aforesaid co-accused have been granted concession of regular bail by this Court vide orders dated 03.02.2022 passed in CRM-M No.8147 of 2022 and 24.04.2023 passed in CRM-M No.40673 of 2022 respectively. Petitioner has already suffered incarceration for a period of 02 years and 01 month as of now; out of 15 prosecution witnesses only 01 witness has been examined so far and the trial is likely to take some more time in its final adjudication.
6. Considering the fact that the petitioner has already suffered incarceration for a period of 02 years and 01 month, I do not find any justification to extend the incarceration of the petitioner.
7. Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

January 23, 2024

Atik

Whether speaking/reasoned

Whether reportable

(HARKESH MANUJA)

JUDGE

Yes/No

Yes/No