

109+226 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2687-2024 (O&M)
Decided on:-24.01.2024

Gurdial Singh

....Petitioner..

vs.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Puneet Bali, Advocate for
Mr. Anurag Arora, 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.104, dated 15.07.2022, registered under Section 15(c) of the NDPS Act, 1985 and Sections 27, 29, 31-61-85 of the NDPS Act, 1985 (added later on), at Police Station Nakodar Sadar, District Jalandhar Rural.

2. In the present case, the petitioner along with his co-accused was apprehended and alleged recovery of 52 kg of '*poppy husk*' was effected.

3. On the other hand, prayer made herein has been opposed at the instance of learned State counsel while submitting that huge recovery of contraband has been effected.

4. 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.

5. Admittedly, investigation in the present case already stands concluded with the filing of challan, followed by framing of charges and the petitioner is behind the bars for the past more than 01 year & 04 months and trial is likely to take some time as only 03 witnesses have been examined out of total 13 witnesses cited by the prosecution. Moreover, the recovered quantity of contraband is marginally higher than the non-commercial quantity, besides it, no other case of NDPS Act is pending against the petitioner. Thus, considering the aforesaid facts, I do not find any reason to extend the incarceration of the petitioner any further.

6. 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 Trial Court/Duty Magistrate.

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

CRM-3330-2024

Prayer in this application is for grant of interim bail.

Since, the petitioner has been granted the concession of bail pending trial, therefore, learned counsel for the petitioner does not want to press the present application.

Accordingly, the application is dismissed being not pressed.

24.01.2024
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(HARKESH MANUJA)
JUDGE

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

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