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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-6386-2024****Date of Decision: 29.11.2024**

Gurjit Singh @ Judge

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.ShekhawatPresent : Mr. Amardeep Singh, Advocate
for the petitioner.

Ms. Avneet, AAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.137 dated 02.11.2022 registered under Sections 15(C), 29 of NDPS Act, at Police Station Gurdaspur Sadar, District Gurdaspur.

2. As per case of the prosecution, on 02.11.2022 during patrolling duty, one truck bearing No.PB-02-BQ-9269 was intercepted and two persons were apprehended. On inquiry, the driver of the truck disclosed his name as Jhang Bahadur, whereas other person, who was helper, gave his name as Gurjit Singh. On search of the said truck, two bags of sack were recovered and opening of the same, 52 kg of poppy husk were found.

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case. No recovery has been effected from him. He further contends that the petitioner is not involved in any other criminal activity. The petitioner is in custody since 02.11.2022 and the final



report under Section 173 Cr.P.C. has already been presented against him. Trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that he may be released on regular bail. In support of his contentions, learned counsel for the petitioner has relied upon judgments in (i) **CRM-M-37684-2021, Balwinder Singh vs. State of Punjab**, decided on 14.02.2022; (ii) **CRM-M-8212-2022, Tajinder Singh vs. State of Punjab**, decided on 03.03.2022 and (iii) **CRM-M-35186-2016, Manjit Kaur @ Jeeto vs. State of Punjab**, decided on 01.12.2016.

4. On the other hand, learned counsel for the State vehemently opposed the submissions made by learned counsel for the petitioner. However, he fairly conceded the fact that petitioner is not involved in any other criminal activity.

5. Keeping in view the facts and circumstances of the case, custody period of the petitioner and also the fact that the quantity of alleged contraband is marginally above the ‘commercial quantity’, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

6. Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

(N.S.SHEKHAWAT)
JUDGE

29.11.2024.
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No