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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-7758-2023

Date of Decision:- 29.07.2024

Gurwinder Kumar alias JP

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Vinod Bhardwaj, Advocate and
Mr. Nipun Bhardwaj, Advocate
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

AMARJOT BHATTI, J.

1. Petitioner Gurwinder Kumar alias JP has filed petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 186 dated 16.07.2022, under Section 22-C/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station City Malout, District Sri Muktsar Sahib.

2. Brief facts of the case are that on 16.07.2022, ASI Bagh Chand along with police party was going from GT Road Malout towards Sarabha Nagar in connection with routine patrolling. When police party reached street No. 6, Sarabha Nagar, Malout, one Hindu gentleman was seen coming on foot, carrying a polythene envelope. He was apprehended on the basis of suspicion and on checking of envelope as per law, 09 strips each

containing 10 tablets, total 90 tablets of Etirent 0.5 Etizolam Tablets were



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recovered. On the basis of this recovery, present case was registered.

3. Learned counsel for petitioner argued that he was granted *interim* bail on 04.07.2023 and till date he has never misused the concession of bail order. He remained in custody for about one year. Trial is at initial stage. He will abide by terms of bail order. Therefore, it is prayed that his *interim* bail order dated 04.07.2023 may be confirmed.

4. Bail application is opposed by learned counsel representing State. Detailed status report has been filed, confirming that he remained in judicial custody from 16.07.2022. Challan in this case was presented on 09.01.2023. Charge-sheet has been framed but till date no prosecution witness has been examined. In status report, there is reference of seven other cases registered against him, out of which in one case cancellation report was accepted, in two cases he was acquitted, in one case he was convicted, in one case trial is going on, in one case untrace report was accepted and one of the case is under investigation. Considering this fact, it was prayed that present petitioner is not entitled to be released on bail.

5. I have considered the aforesaid factual position. No doubt, it is a case of recovery of commercial quantity of contraband. However, present petitioner was granted *interim* bail as per order dated 04.07.2023 and there is nothing on record that till date he misused that concession of *interim* bail. Status report further indicates that after framing of charge-sheet, till date no witness has been examined. Trial is progressing at a slow pace. Considering the aforesaid order in favour of petitioner and without expressing my mind on the merits of case, *interim* bail already granted in favour of present petitioner Gurwinder Kumar alias JP vide order dated



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04.07.2023 stands confirmed on the same terms and conditions as mentioned in said order.

- 6. Petition is accordingly accepted.
- 7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

29.07.2024
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(AMARJOT BHATTI)
JUDGE

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