

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11146-2023
DECIDED ON: 15.01.2024

GORI SINGH ALIAS GORI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

Mr. H.S. Sitta, DAG Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.68, dated 29.06.2022, under Sections 22 & 29 of NDPS Act, 1985, registered at Police Station Bahavwala, District Fazilka.
2. Learned counsel for the petitioner contends that the alleged recovery of 1350 intoxicant tablets of Tramadol and 100 clobedol SR were effected from the car being driven by co-accused Gagandeep Singh. It is also asserted on behalf of the petitioner that the car belongs to Gagandeep Singh only, from whom he has only taken a lift and has no connection whatsoever of any nature with the said contraband.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner is behind the bars for the last 1 year, 6 months and 15 days. He opposes the prayer of

regular bail on the ground that the petitioner is a close associate of the co-accused Gagandeep Singh and indirectly involved in the commissioning of offence, therefore, does not deserve the concession of regular bail.

4. On a query put by this Court, learned State counsel submits that the charges were framed on 06.01.2023, wherein out of total 8 prosecution witnesses, only 1 has been examined so far.

5. Be that as it may, considering the fact that the alleged contraband were recovered from the car of co-accused namely Gagandeep Singh; he has already suffered incarceration of 1 year, 6 months and 15 days; added with the fact that trial will certainly take long time as out of total 8 prosecution witnesses, only 1 has been examined so far after framing of charges on 06.01.2023 and the petitioner is person of clean antecedents, no useful purpose would be served by keeping the petitioner behind the bars, which would amount to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India.

6. In the light of above, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

7. The present petition is, hereby, allowed.

8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

15.01.2024

Meenu

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