

CRM-M-11607-2024

Date of Decision: 11.03.2024

GURPREET SINGH ALIAS LAKHA

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Satnam Singh Gill, Advocate
for the petitioner.

Mr. Inderjeet Singh, DAG, Punjab.

KARAMJIT SINGH, J.
Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.8 dated 21.01.2022 registered for the offences punishable under Sections 15, 18, 29 of NDPS Act at Police Station Dirba, District Sangrur.

2. As per prosecution version, petitioner Gurpreet Singh @ Lakha and co-accused Jaswant Singh @ Bant Singh were apprehended by the police on the basis of secret information on 21.01.2022 while aforesaid jaswant Singh @ Bant Singh was driving truck No.PB-07-AC-5257 and on checking of the said truck, commercial quantity of contraband was recovered and the petitioner was arrested at the spot along with Jaswant Singh @ Bant Singh.

3. Counsel for the petitioner *inter alia* submits that petitioner is falsely implicated in the present case and is in custody for the last more

further submitted that the petitioner was earlier convicted in one another case under NDPS Act wherein his sentence is already suspended. Counsel for the petitioner further submits that it will take considerable time for the trial to conclude and co-accused Jaswant Singh @ Bant Singh is enlarged on bail vide order dated 06.11.2023(Annexure P-2) passed by this Court. So, prayer is made that the petitioner be released on regular bail during pendency of the trial.

4. Present petition is resisted by the State counsel, who on instructions from HC Gagandeep Singh submits that in the present case commercial quantity of contraband was recovered from petitioner and his co-accused while both of them were travelling in a truck. It is further contended that strict provisions of Section 37 of NDPS Act are applicable to the present case. However, the State counsel has not disputed the fact that petitioner is in custody for the last more than 2 year and 1 month and is on bail in another case wherein he was convicted under NDPS Act. Learned State counsel also apprised the Court that till date only one witness is examined out of total 13 witnesses on behalf of the prosecution.

5. I have considered the submissions made by the counsel for the parties.

6. As per custody certificate, the custody of the petitioner comes out to be more than 2 year and 1 month and he was previously convicted under NDPS Act but his sentence stands suspended. Undoubtedly, the trial is at its initial stage and 12 more witnesses remain to be examined on behalf of prosecution. There is nothing on the record to show that petitioner is responsible for delay in conclusion of trial. In

is not the fault of the accused, the effect of Section 37 of NDPS Act will be diluted. Further similarly situated co-accused Jaswant Singh @ Bant Singh is already given benefit of regular bail vide order dated 06.11.2023(Annexure P-2). Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

11.03.2024

Priyanka Thakur

(KARAMJIT SINGH)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No