

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

Neutral Citation No. **2024:PHHC:043911**
CRM-M-14546-2024
Date of Decision: April 02, 2024

Gurbachan Singh @ Lohla

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. S.S. Maini, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

By way of present petition under Section 439 Cr.P.C., petitioner prays for his release on regular bail in a case arising out of FIR No.89 dated 07.05.2020, under Section 15 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act'), registered at Police Station Dharamkot, District Moga.

2. This is the fourth petition for this purpose. The first petition bearing No.CRM-M-23351-2021 was dismissed on 26.11.2021, i.e. more than 2½ years back. The second petition was dismissed as withdrawn on 24.07.2023 vide Annexure P-3. The third petition was dismissed as withdrawn on 03.10.2023 vide Annexure P-5.

3. As per the allegations, petitioner was apprehended with 120 Kg. of poppy husk, which falls in the commercial category.

4. Learned counsel for the petitioner contends that petitioner is in custody for the last more than 03 years and 10 month; and that the trial is not nearby conclusion and it may take time to conclude.

5. Notice of motion.

6. Mr. Gurpartap Singh Bhullar, AAG, Punjab, accepts notice on behalf of the respondent-State.

7. Learned State counsel has opposed the bail petition by pointing out that petitioner is a convict in two other cases and he is also involved in one more case under the NDPS Act.

8. However, it is informed by learned State counsel that out of 15 witnesses cited by the prosecution, only 04 have been examined so far.

9. Custody certificate placed by learned State counsel would reveal that petitioner is in custody for the last 03 years, 10 months and 23 days. He is also undertrial in another case pertaining to NDPS Act. He is convict in two cases. One of the case pertaining to 307 IPC and other pertaining to Section 15 of the NDPS Act, in which his conviction was recorded way back in January, 2019. The sentence in that case bearing FIR No.182 of 2016, under Section 15 of the NDPS Act, registered at Police Station Zira, was completed on 02.01.2019.

10. Having noticed all the aforesaid facts and circumstances, particularly long incarceration of the petitioner in the present case and the fact that trial is not likely to be concluded in near future, but without commenting anything on the merits of the case, no purpose would be served to detain the petitioner. As such, he is admitted to bail. He is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

April 02, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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