

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 16156 of 2022 (O&M)
Date of Decision: 01.02.2024

Gurwinder Singh @ Gora

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. K.B. Raheja, Advocate
for the petitioner.

Mr. Gurlal Singh Dhillon, Assistant Advocate General, Punjab

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 439 Cr.P.C., seeks grant of regular bail pending trial in case bearing FIR No. 42 dated 24.05.2021, under Sections 22 & 29 of NDPS Act, registered at Police Station Lakho Ke Behram, District Ferozepur, wherein the petitioner was implicated against the alleged recovery of 13500 tablets of Tramadol besides the recovery of 20000 tablets of tramadol from the co-accused, namely, Gurjant Singh.

[3] Learned counsel for the petitioner submits that the petitioner is in custody since 24.05.2021 and was falsely implicated in the present case; thus prayer is for grant of regular bail to the petitioner.

[3] On the other hand, learned State Counsel vehemently opposes the prayer for grant of regular bail to the petitioner while

submitting that the petitioner is involved in one another FIR relating to same nature, wherein 1600 tablets were recovered from the co-accused, namely, Baljinder Singh and Gurnam Singh, who disclosed the name of the petitioner as well and pointed out towards his involvement.

[4] I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made by learned counsel for the petitioner.

[5] In the present case, the investigation stands concluded with the filing of challan followed by framing of charges wayback on 20.04.2022; however, even after the expiry of almost one year and nine months, out of total 13 prosecution witnesses, only 04 have been examined, whereas the custody of the petitioner is more than 2 years and 8 months and thus, apparently his right of speedy trial, flowing from Article 21 of the Constitution of India, has been infringed. Besides it, the involvement of petitioner in another FIR No. 41, dated 23.05.2021 based on the disclosure statement of the co-accused, namely, Baljinder Singh and Gurnam Singh was recorded on 26.05.2021 only i.e. after the registration of FIR No. 42 dated 24.05.2021, needs to be tested during the trial.

[6] Considering the totality of the circumstances and the fact that the petitioner is behind the bars since 24.05.2021 also the trial may take long time, this Court does not deem it appropriate to extend the incarceration of the petitioner.

