

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. 5721 of 2024 in/and
CRM-M No. 16194 of 2022 (O&M)
Date of Decision: 13.02.2024

Gurnam Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

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

Mr. Kewal Singh, Additional Advocate General, Punjab

HARKESH MANUJA, J. (ORAL)

CRM-5721-2024

Prayer in the present application moved on behalf of the applicant-petitioner is for preponing the date of hearing of main case from 05.03.2024 to some earlier date.

Notice of the application.

Learned State Counsel accepts notice of the application and has no objection against the prayer made in the application.

In view of the above, present application is **allowed**; the main case is preponed from 05.03.2024 and taken up today itself.

MAIN CASE

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. 41 dated 23.05.2021, under Section 22 of NDPS Act (Section 29 of NDPS

Act added later on), registered at Police Station Lakho Ke Behram, District Ferozepur, wherein the petitioner and his co-accused, namely, Baljinder Singh were implicated against the alleged recovery of 600 and 1600 tablets of Tramadol respectively.

[2] Learned counsel for the petitioner submits that the petitioner is in custody since 23.05.2021 and was falsely implicated in the present case. He also submits that co-accused Baljinder Singh has already been granted the benefit of regular bail by this Court vide order dated 01.02.2024 passed in CRM-M-49243 of 2022; 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 another FIR No. 42 dated 24.05.2021, based on disclosure statement made by co-accused- Gurwinder Singh and Gurjant Singh.

[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 01.04.2022; however, even after the expiry of almost one year and ten months, out of total 13 prosecution witness, 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

