

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M No. 16969 of 2024 (O&M)
Date of Decision: 15.04.2024**

Gurpreet Singh @ Gopi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ravinder Malik (Ravi), Advocate,
for the petitioner.

Mr. Athar Ahmad, Deputy Advocate General, Punjab

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present (second) petition filed under Section 439 Cr.P.C., seeks grant of regular bail pending trial in case bearing FIR No. 109, dated 07.05.2021, under Sections 22 & 29 of NDPS Act; Section 25 of Arms Act, 1959; and Sections 411 & 483 of IPC, registered at Police Station City Nawanshahar, District SBS Nagar, Punjab, wherein he has been implicated against the alleged recovery of 30 injections of *buprenorphine*, besides recovery of 2 country-made pistols, 1 pistol, 25 live cartridges of 7.65, 8 live cartridges of 32 bore and 6 magazines.

[2] Learned State counsel vehemently opposes the prayer made on behalf of the petitioner, while submitting that the petitioner was involved in another FIR No. 47 dated 26.04.2021, under Sections 392/34 of IPC, registered at Police Station Rahon, District Shaheed Bhagat Singh Nagar, though in the said FIR, he stands acquitted vide judgment dated 10.11.2022

passed by the learned Additional Chief Judicial Magistrate, SBS Nagar.

[3] 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.

[4] In the present case, investigation stands concluded with the filing of challan on 15.09.2021, followed by framing of charges on 24.03.2022 and the petitioner is behind the bars since 07.05.2021, i.e. for the past about two years and eleven months by now. The trial is likely to take some time as out of 26 prosecution witnesses, only 07 have been examined so far, whereas 05 have been given-up, while 14 remaining witnesses are yet to be examined.

Considering the custody period of the petitioner and the delay in trial, which directly hits his fundamental right under Article 21 of the Constitution of India as regards the speedy trial, this Court does not find justification to extend the incarceration of the petitioner any further, especially when in separate trial arising out of FIR No. 47 dated 26.04.2021 (supra), involving the same vehicle wherefrom the recovery in the present case was alleged, the petitioner stands acquitted vide judgment dated 10.11.2022 passed by the learned Additional Chief Judicial Magistrate, SBS Nagar.

[5] In view of the above, but without commenting upon merits of the present petition, the same is **allowed**. The petitioner is ordered to be released on bail subject to his furnishing adequate bail bonds / surety bonds to the satisfaction of the Trial Court/Illaq Magistrate/Duty Magistrate concerned.

[6] It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

April 15, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>