

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

238

CRM-M-18429-2024
Date of Decision:22.04.2024

CHANDAN GUPTA

.....Petitioner

Vs.

STATE OF PUNJAB

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Baljinder Singh, Advocate
for the petitioner.

Mr. Ramandeep Singh, Sr. DAG, Punjab.

DEEPAK GUPTA, J.(ORAL)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail in case FIR No. 0269 dated 06.09.2023, registered under Sections 20, 61 (Challan filed under Sections 20, 29, 61, 85) of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Dera Bassi, District SAS Nagar (Mohali).

2. As per allegations, on the basis of secret information, 12 kilograms of ganja kept in a plastic bag was recovered from co-accused-Rani Devi; whereas 16 kilograms of ganja was recovered from another bag carried by petitioner-Chandan Gupta. Both of them in their disclosure statements nominated one Manu Kumar. It is also the allegations that all of them used to supply ganja in Punjab and Himachal Pradesh.

3. Learned counsel for the petitioner contends at the outset that similarly placed co-accused-Rani Devi had already been allowed bail by this Court vide order dated 13.02.2024 passed in CRM-M-54857-2023 (Annexure P-2). Another co-accused-Manu Kumar was allowed bail by this Court vide order dated 04.12.2023 passed in CRM-M-59907-2023 (Annexure P-3).

4. Learned counsel further contends that recovery of contraband as effected from the petitioner falls in the non-commercial category; that the petitioner is in custody for the last more than 07 months and he is not involved in any other case.
5. Notice of motion.
6. Mr. Ramandeep Singh, Sr. DAG, Punjab accepts notice on behalf of the respondent-State.
7. Custody certificate has been placed on record which reveals that petitioner is in custody for the last 07 months and 13 days and he has no other criminal case pending against him.
8. Similarly placed co-accused Rani Devi has already been allowed bail.
9. Learned State counsel, on instructions from ASI Paramjit Singh submits that after conclusion of investigation challan has already been filed and that there are 13 witnesses cited by the prosecution in the challan but none of them had been examined so far. The trial is likely to take long time to conclude.
10. Having regard to the aforesaid factual position, but without commenting anything upon the merits of the case, petition is allowed. Petitioner is admitted to regular bail and is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court concerned, on usual terms and conditions.

22.04.2024

pry

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes
Whether Reportable	No