

2024:PHHC:071669



S. No.216

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

CRM-M-19402 of 2024

Date of Decision:21.05.2024

**Gurpreet Singh @ Gopi @ Kaka
Vs.**

.....Petitioner

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Munish Puri, Advocate for the petitioner.
Mr. Sahil R. Bakshi, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.126 dated 06.10.2020 registered under Sections 21, 25, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station S.T.F., S.A.S. Nagar, Mohali.

Status report by way of affidavit of Shri Sikander Singh, PPS, Deputy Superintendent of Police, Special Task Force, Border Range, District Amritsar has been filed on behalf of the respondent- State.

This is his third petition for the purpose. By way of first petition bearing CRM-M-659 of 2021, petitioner was allowed bail by a co-ordinate Bench of this Court vide order dated 22.06.2021 (Annexure P.2). Petitioner absented himself from the trial, due to which his bail was cancelled. He then filed second petition bearing CRM-M-14853 of 2024, which was dismissed as withdrawn after the statement had been made by the learned State Counsel on the basis of instructions from ASI Surender Kumar to the effect that all the prosecution witnesses stood examined.



Petitioner was compelled to file this third petition when it was found that not even a single witness has been examined by the prosecution.

After noticing all the afore-said facts and circumstances, ASI Surender Kumar, on whose instructions, learned State Counsel had made statement in CRM-M-14853 of 2024, was asked to appear before this Court. Today, ASI Surender Kumar, is present in person and he seeks apology submitting that inadvertently, the said statement was made by him and that no such mistake shall be committed in future.

It is conceded today by learned State Counsel that out of 14 witnesses cited by the prosecution, not even a single witness has been examined so far.

Having regard to all the afore-said facts and circumstances of the case, but without commenting anything further on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate, on usual terms and conditions.

May 21, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No