

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 19367 of 2023 (O&M)
Date of Decision: 31.01.2024

Gurinder Singh @ Gindri

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sandeep Verma, Advocate
for the petitioner.

Mr. Shubham Kaushik, 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. 133 dated 22.09.2021, under Sections 18 & 27 of NDPS Act, 1985, registered at Police Station City Morinda, District Roop Nagar.

[2] As per allegations, there is recovery of 5 kgs. of opium from the joint possession of petitioner and co-accused Netar Singh, while travelling in a truck.

[3] Learned counsel for the petitioner submits that petitioner is in custody for the last about two years and four months and he is not involved in any other case and there was no recovery from the conscious possession of the petitioner, while similarly placed co-

accused, namely, Netar Singh, has already been granted the benefit of regular bail; thus, he may also be considered for grant of regular bail.

[3] On the other hand, learned State Counsel does not dispute the aforesaid factual position; however, vehemently opposes the prayer for grant of regular bail to the petitioner while submitting that the alleged recovery of contraband falls under commercial quantity.

[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, petitioner has already suffered incarceration for a period of about 02 years and 04 months, whereas the investigation stands concluded with filing of challan followed by framing of charges, besides it, the petitioner is not involved in any other criminal case. Moreover, similarly situated co-accused, namely, Netar Singh, has already been granted the concession of regular bail by this Court vide order dated 13.04.2023 passed in CRM-M-48739-2022. Thus, considering the aforesaid facts especially that the petitioner has already suffered incarceration for a period of about 02 years & 04 months, resulting into denial of speedy trial, I do not find any justification to extend the incarceration of the petitioner.

[6] In view of the above, but without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is **allowed** and the petitioner is ordered to be released on regular bail on

his furnishing adequate bail/surety bonds to the satisfaction of the Trial Court / Illaqa Magistrate / Duty Magistrate concerned.

[7] However, in case the petitioner indulges himself in similar kind of activity, the prosecution shall be at liberty to seek cancellation of the bail granted in favour of the petitioner in the present case.

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

January 31, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

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