



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

CRM-M-21564-2024
Date of Decision: July 24, 2024

Gurwinder Singh **...Petitioner**

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Bikramjit Singh Bajwa, Advocate for the petitioner.

Mr. Eklavya Darsi, DAG, Punjab.

DEEPAK GUPTA, J.(Oral)

By way of present petition under Section 439 Cr.P.C., petitioner prays for his release on regular bail in a case arising out of FIR No.57 dated 07.05.2023, under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act'), registered at Police Station Batala.

2. This is the third petition for the purpose. The earlier two petitions bearing Nos.CRM-M-37868-2023 and CRM-M-40806-2023 were dismissed as withdrawn on 09.08.2023 and 02.11.2023 respectively.

3. As per the prosecution allegations, on the basis of a secret information, the police party during patrolling apprehended the petitioner holding a transparent polythene bag in his hand when he was inside the house and the polythene bag was found to contain 1600 intoxicating tablets.

4. Learned counsel for the petitioner contends that petitioner has been falsely implicated; that it is unbelievable that a person will keep the intoxicating tablets in a transparent polythene bag. It is further submitted

- 2 -

that petitioner has no criminal antecedents; that he is in custody for the last more than 01 year and 02 months; and that not even a single witness has been examined so far.

5. Status report by way of affidavit of Shri Rajesh Kakkar, Deputy Superintendent of Police, Sub Division, Sri Hargobindpur, Police District Batala alongwith custody certificate has been filed.

6. Learned State counsel has opposed the bail petition on the ground that the recovered quantity of contraband falls in the commercial category. However, it is conceded that petitioner is not involved in any other case; and that out of 09 witnesses cited by the prosecution, not even a single witness has been examined so far, despite the fact that charges were framed on 06.12.2023.

7. Apart from above, the custody certificate would reveal that the petitioner is in custody for the last 01 year, 02 months ad 13 days and he has no other case pending against him.

8. Having regard to all the aforesaid facts and circumstances, but without commenting anything on the merits of the case, petitioner is admitted to bail. He is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

July 24, 2024

sarita

(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No