



218

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

CRM-M-25385-2024**Date of Decision: 06.11.2024**

Gaurav alias Gaurav Goyal

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Gursimran S. Bawa, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.251 dated 29.12.2022 registered under Section 22 of NDPS Act, at Police Station Dinanagar, Gurdaspur, District Gurdaspur.

2. The case of the prosecution is that on 29.12.2022, three persons were intercepted by the police during patrolling duty, who were coming on scooter from the side of village Awankha. They were apprehended on suspicion. On inquiry, the driver of scooter disclosed his name as Manoj Kumar, whereas the pillion riders disclosed their names as Gaurav and Arjan. On search, 540 loose intoxicant tablets were recovered from the diggi of the scooter.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further submits that neither the petitioner was owner of the scooter nor he was driving the same. The petitioner is in custody since 12.05.2023 and the final report under Section 173 Cr.P.C.



has already been presented against him. Trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that he may be released on regular bail. In support of his contentions, learned counsel for the petitioner has relied upon judgments in (i) **CRM-M-37684-2021, Balwinder Singh vs. State of Punjab**, decided on 14.02.2022; (ii) **CRM-M-8212-2022, Tajinder Singh vs. State of Punjab**, decided on 03.03.2022 and (iii) **CRM-M-35186-2016, Manjit Kaur @ Jeeto vs. State of Punjab**, decided on 01.12.2016.

4. On the other hand, learned counsel for the State vehemently opposed the submissions made by learned counsel for the petitioner. However, he fairly conceded the fact that petitioner is not involved in any other criminal activity.

5. Keeping in view the facts and circumstances of the case, custody period of the petitioner and also the fact that the quantity of alleged contraband is marginally above the 'commercial quantity', but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

6. Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

(N.S.SHEKHAWAT)
JUDGE

06.11.2024.
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No