

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-27600-2023 (O&M)
Date of Decision:-29.2.2024

Shamsher Singh @ Bunty ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Shivam Joshi, Advocate for the petitioner.

Mr. Vinay Kumar Malhotra, DAG, Punjab,
assisted by ASI Gulshan Kumar.

FIR No.	Dated	Police Station	Section/s
115	29.7.2021	Special Task Force, Phase 4, District SAS Nagar, Mohali, Punjab	21 of Narcotic Drugs and Psychotropic Substances Act, 1985

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. The allegations are broadly to the effect that the petitioner was found in possession of 310 grams of ‘heroin’.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It has further been submitted that the petitioner

has been behind bars for a substantial period of about 2 years, 6 months and 28 days and since the trial is proceeding at snail’s pace, the petitioner cannot be kept behind bars for an indefinite period.

4. Opposing the petition, learned State counsel has submitted that since it is a case, wherein the petitioner was caught red-handed while in possession of ‘commercial’ quantity of contraband, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 2 years, 6 months and 28 days. Learned State counsel has also informed that as on date 6 PWs out of the cited 17 PWs have been examined and 3 PWs have been given up. It has been informed that the petitioner otherwise is not involved in any other case.
5. This Court has considered the rival submissions addressed before this Court.
6. Without commenting anything as regards merits of the case, but having regard to the custody of the petitioner i.e. about 2 years, 6 months and 28 days and also the fact that conclusion of trial is likely to take some time as only 6 PWs out of the cited 17 PWs have been examined so far, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.2.2024
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No