



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29147-2024
Date of Decision : 14.08.2024

GURPREET SINGH ALIAS RINKAPetitioner

VERSUS

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Jagmeet Singh Moudgil, Advocate,
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. Through the instant second petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.174, dated 16.12.2023, under Section 22 of the NDPS Act, registered at Police Station Kotwali Nabha, District Patiala.
2. The earlier petition bearing CRM-M-18284-2024, was dismissed as withdrawn by this Court vide order dated 11.04.2024, at that stage, however, with liberty to the petitioner to re-access this Court, in case there occurs inordinate delay in conclusion of the trial.
3. Learned counsel for the petitioner, in asking for the relief (*supra*), submits that the recovery effected in the instant case is of 300 loose tablets containing 'Tramadol hydrochloride', total weight of which comes out to be 101.4 grams, which falls within the ambit of intermediate and 'non-commercial' quantity.

4. He further submits that though the petitioner is involved in four other criminal case, out of which, in one the prosecution agency has preferred cancellation report, and in other three cases he is on bail and in these cases the recovery of contraband effected from him is of non-commercial quantity.

5. He further submits that at the best, the petitioner can be considered as a consumer, as per the drugs recovered from him, and cannot be considered as a drug peddler.

6. On the other hand, learned State counsel has vociferously opposed the asked for relief, and has filed the custody certificate qua the petitioner, which is taken on record. It reflects that the petitioner has suffered incarceration of 7 months and 25 days as on today, and he is involved in 10 other criminal cases.

7. He further, on instructions imparted to him by the ASI Balwinder Singh, submits that till date the charges have not been framed by the learned trial court concerned, in the instant matter and the prosecution has cited total 12 prosecution witnesses in the final report.

8. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

9. Be that as it may, considering the fact that petitioner has suffered incarceration of 7 months and 26 days as on today, and till today out of the total 12 prosecution witnesses cited by the prosecution, none has been examined, and conclusion of the trial would take long time, this Court deems it fit and appropriate to grant the concession of regular bail

to the petitioner, during the pendency of trial. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail, on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

10. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as is involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

August 14, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No