

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 37377 of 2023 (O&M)
Date of Decision: 26.02.2024

Devinder Singh @ Bheero

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ashok Giri, Advocate
for the petitioner.

Mr. Davinder Bir Singh, Sr. Deputy 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. 31 dated 04.03.2022, under Section 15 of NDPS Act, 1985, registered at Police Station Sadar Patiala, District Patiala, wherein he was implicated against the alleged recovery of 280 kgs. of *poppy husk*.

[2] Learned counsel for the petitioner submits that the petitioner is in custody since 04.03.2022 while the co-accused-Gurjeet Singh @ Gurjit Singh @ Sodhi (owner / driver of the truck) has already been granted the concession of regular bail by this Court vide order dated 19.04.2023 passed in CRM-M-17172-2023; thus, prayer is for bail on parity.

[3] Learned State Counsel vehemently opposes the prayer for grant of regular bail to the petitioner while referring to the huge recovery of contraband involved in the present FIR, besides the involvement of the petitioner in two other cases under the provisions of IPC.

[4] I have heard learned counsel for the parties and gone through the paper-book.

[5] In the present case, the investigation already stands concluded with the filing of challan followed by framing of charges; however, out of total 14 prosecution witnesses, only 04 have been examined so far. The petitioner is behind the bars since 04.03.2022, i.e. for the past almost two years and the conclusion of trial may take long time. Besides it, he is not involved in any other case of similar nature, i.e under NDPS Act. Considering the aforesaid facts, especially, when the petitioner has been arrayed with the allegation being co-passenger, whereas the owner/driver of the truck, namely, Gurjeet Singh @ Gurjit Singh @ Sodhi, has already been granted the concession of regular bail by Co-ordinate Bench vide order dated 19.04.2023 passed in CRM-M-17172-2023, 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] It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

[8] Pending miscellaneous application(s), if any, shall also disposed off.

February 26, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

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