

GURPREET SINGH

Versus

STATE OF PUNJAB

.....Petitioner

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. GPS. Ghuman, Advocate,
Mr. Arshdeep Singh, Advocate and
Mr. Yashpal Thakur, Advocate for the petitioner.

Mr. Rahul Jindal, AAG, Punjab.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No.175 dated 03.10.2022 registered under Sections 15, 22, 61and 85 of NDPS Act at P.S. Amloh, District Fatehgarh Sahib wherein the petitioner has been implicated against the alleged recovery of 15 Kg of Poppy Husk and 84 strips of intoxicant lomotil tablets, each strip containing 60 tablets, total 5040 intoxicant lomotil tablets.
2. The prayer made herein has been opposed at the instance of learned State counsel while referring to the huge recovery of intoxicant tablets involved in the present case besides the custody period of the petitioner which is only 1 year and 7 months by now.
3. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.
4. In the present case, investigation stands concluded with the filing of challan followed by framing of charges on 26.04.2023, however,

so far only one prosecution witness has been examined out of total 16 and thus, the trial is likely to take some time whereas, the petitioner has suffered incarceration for a period of almost 1 year and 7 months. Moreover, the petitioner is not even involved in any other case under NDPS Act, accordingly, relying upon decision passed by the Hon'ble Supreme Court in SLA (CrI) No.12788-2023 dated 17.08.2023 titled as **'Nandalal Mondal @ Abhay Mondal Vs. State of West Bengal'** this Court does not find justification to extend his incarceration any further.

5. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, 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 concerned trial Court/Duty Magistrate. However, the release of petitioner, shall be subject to the following conditions:-

- i) The petitioner shall furnish bail bonds to the satisfaction of the trial Court.
- ii) The petitioner shall appear before the trial Court regularly on each and every date of hearing.
- iii) In case the petitioner is found involved in any other case under the NDPS Act, in that event, the bail granted to him shall stand cancelled automatically and he shall be liable to surrender immediately.

6. In addition, considering the fact that the charges in the present case were framed on 26.04.2023 and only one prosecution witness has been examined so far, Senior Superintendent of Police,

Fatehgarh Sahib is directed to look into the matter so as to expedite the evidence of prosecution witnesses in the present case and to make all endeavours to complete the same within a period of four months from today. Similarly, the trial Court is requested to conclude the trial within a period of 6 months from today while considering the right of speedy trial available to petitioner in terms of Article 21 of Constitution of India.

25.04.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>