



230 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51916-2024
Date of Decision: 28.10.2024

GURWINDER SINGH

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Hem Raj Bhardwaj, Advocate for the petitioner.
Mr. Abhinash Jain, AAG, Haryana.

KULDEEP TIWARI, J. (Oral)

Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail in the 1st bail application filed u/s 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No. 69 dated 08.06.2024 under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Subhanpur, District Kapurthala.

2. Learned counsel for the petitioner inter alia submits that the recovered contraband in the instant case is of 2 kgs 220 gms of opium, which admittedly falls within the ambit of non-commercial quantity. He further submits that the petitioner is a man of clean antecedents. He also submits that the investigation in the instant case has already been completed and prosecution has filed the final report today itself, before the learned trial Court concerned. He in addition submits that petitioner has suffered incarceration of approx 2 months as on today.

3. Mr. Abhinash Jain, AAG, Haryana, accepts notice on behalf of



respondent-State and vociferously opposed the asked for relief (*supra*), and has filed custody certificate *qua* the petitioner today in Court, which reflects that the petitioner has suffered incarceration of 1 month and 28 days, as on today, and he is **not** involved in any other criminal case, and has clean antecedents. He further submits that the final report was prepared by the Investigating Officer on 21.09.2024, and the same has now filed before the learned trial Court concerned today itself. He also informs this Court that the prosecution has cited total 22 witnesses in the final report, but none of them has been examined so far.

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

5. Considering the nature of allegations, as levelled against the present petitioner, as well as the fact that the recovered contraband falls within the ambit of non-commercial quantity, and petitioner has suffered incarceration of 01 month and 28 days as on today, and he is not involved in any other criminal case, coupled with the fact that out of the total 22 witnesses in the final report, none have been examined so far, therefore, 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.

06. 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.

(KULDEEP TIWARI)
JUDGE

28.10.2024

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