

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55796-2023

Date of Decision: January 23, 2024

GURDEV SINGHPetitioner
Versus
STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. P.S. Sekhon, Advocate for the petitioner.
Mr. Shubham Kaushik, A.A.G., Punjab

HARKESH MANUJA, J. (ORAL)

By way of this fourth petition filed under Section 439 CrPC, prayer has been made for grant of regular bail pending trial in case FIR No.69 dated 05.09.2021 registered under Section 15 of NDPS Act, 1985, at P.S. Ajitwal, District Moga, wherein, the petitioner has been implicated against alleged recovery of 200 kilograms of poppy husk from a truck bearing No.PB-29X-2030.

2. The prayer made herein has been opposed at the instance of learned State counsel while submitting that the petitioner was involved in one another FIR involving 4 kilograms of poppy husk and Rs.92,000 cash has also been recovered from him.

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, the investigation already stands concluded with the filing of challan followed by framing of charges, however, despite the petitioner being in custody for a period of two

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years and one month, only 2 of the prosecution witnesses have been examined out of total 14 prosecution witnesses. Moreover, the recovery involved in the other FIR is non-commercial quantity. Considering the right of the petitioner to speedy trial, flowing from Article 21 of Constitution of India, 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 learned trial Court/Duty Magistrate.

23.01.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No