

CRM-M-61406-2023

214 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-61406-2023
Decided on:-12.02.2024

Gurlal Singh @ LaliPetitioner..

vs.

State of PunjabRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Amit Arora, Advocate,
for the petitioner.

Mr. Rajinder Singh Bhatta, DAG, Punjab.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case bearing FIR No.88, dated 16.10.2023 registered under Section 21 of the NDPS Act, 1985 (offence under Section 21(c), 29 of the NDPS Act, added later on) at Police Station Chohla Sahib, District Tarn Taran.

2. Learned counsel for the petitioner submits that the petitioner was implicated only on the basis of disclosure statements made by his co-accused, namely, Kanwaljit Khan @ Kamal Khan @ Kamu and Harpreet Singh @ Happy, from whom the alleged recovery of 290 grams & 300 grams of “heroin” respectively, has been effected. No recovery has been effected from the petitioner.

3. The prayer made on behalf of the petitioner has been opposed by learned State counsel while referring to the recovery of contraband, which is

commercial in nature.

4. I have heard learned counsel for the parties and gone through the paper book and find substance in the submissions made on behalf of the petitioner.

5. In the present case, petitioner has already suffered incarceration for a period of 04 months and the investigation is still going on, besides it, there is no other case of NDPS Act pending against the petitioner and he having been implicated only on the basis of disclosure statement made by his co-accused, namely, Kanwaljit Khan @ Kamal Khan @ Kamu and Harpreet Singh @ Happy, the trial is likely to take some time. Thus, considering the aforesaid facts, I do not find any justification to extend the incarceration of the petitioner.

6. 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 concerned Trial Court/Duty Magistrate. However, in case, the petitioner is found involved in any other case of NDPS Act, the prosecution shall be at liberty to seek cancellation of his bail.

7. It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

12.02.2024
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(HARKESH MANUJA)
JUDGE

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