

253

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-30797-2024
Date of decision:-04.02.2025

GURCHARAN SINGH @ MAHANT
... Petitioner
Versus
STATE OF PUNJAB
... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Imaan Singh Khara, Advocate for the petitioner.
Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure, for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
62	16.05.2023	15 (c) of NDPS Act and Section 27 of NDPS act added later on	Sadar, District Bathinda

2. Arguments heard.
3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that petitioner is in custody since 16.05.2023, after completion of investigation, challan has already been presented in Court which is pending trial. He submits that the co-accused Hindpal @ Khanna has already been granted concession of bail vide order dated 21.05.2024 (Annexure P-2)



passed in CRM-M-61916-2023. He submits that the police has purposely shown the recovery marginally above non commercial quantity further he has claimed parity with co-accused Hindpal Singh @ Khanna who has already granted concession of bail. Hence prayed for grant of concession of regular bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State, has opposed the bail petition by submitting that although 2 bags containing 30 kgs each of poppy husk were recovered from the possession of the petitioner and co-accused Hindpal @ Khanna which falls within the ambit of commercial quantity. However, he has not disputed the fact that similarly situated co-accused Hindpal @ Khanna has already been granted concession of bail by this Court vide order dated 21.05.2024 (Annexure P-2) passed in CRM-M-61916-2023.

5. After considering the rival contentions and perusing the record, it transpires that the petitioner is in custody since 16.05.2023 and after completion of investigation, challan has already been presented in Court wherein prosecution has cited 14 witnesses and till date only 4 witnesses have been examined in the learned trial Court. Similarly situated co-accused Hindpal @ Khanna has already been granted concession of bail by this Court vide order dated 21.05.2024 (Annexure P-2) passed in CRM-M-61916-2023. Keeping in view the assertion made by learned counsel for the petitioner (*supra*) and also the fact that the conclusion of trial to ascertain criminal liability, if any will take sufficient long time, no purpose would be served by detaining petitioner any longer.

6. Therefore, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

04.02.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |