

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

**Criminal Misc. No. M-29964 of 2015
Date of decision: 09.09.2015**

Gurmeet Singh alias Geet Gujjar

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab
for the respondent – State.

Daya Chaudhary, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. on behalf of the petitioner-Gurmeet Singh alias Geet Gujjar for grant of regular bail in case FIR No.104 dated 25.06.2012 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act at Police Station Bhikhiwind, District Tarn Taran.

Learned counsel for the petitioner submits that the petitioner was implicated only on the basis of suspicion and the alleged recovery was 700 gms of intoxicant powder. The petitioner was arrested on 25.06.2012 and he was granted interim bail vide

order dated 27.07.2012 passed by the trial Court. Learned counsel further submits that the petitioner was regularly attending the Court proceedings and there was no lapse on his part. Learned counsel also submits that vide order dated 04.05.2015 passed by the trial Court, the petitioner was taken into custody whereas the chemical Examiner's report was received on 06.02.2013 and the challan was presented on 15.04.2013. During that period, the petitioner neither misused the concession of bail nor was he involved in any other case of NDPS Act. No reason whatsoever or any opportunity of hearing was given to the petitioner before cancelling his bail. Learned counsel also submits that the FIR is of the year 2012 and nothing is to be recovered from the petitioner and case before the trial Court is fixed for recording of statement of PWs. The petitioner is ready to abide by all the terms and conditions to be imposed by this Court or by the trial Court.

Learned State counsel opposes the submissions made by learned counsel for the petitioner on the ground that the alleged recovery is commercial but he has not disputed the grant of bail and cancellation of bail by the trial Court after a long period.

In view of the submissions made by learned counsel for the petitioner and also the fact that the petitioner was arrested on 25.06.2012 and thereafter he was released on interim bail on 27.07.2012; even after getting chemical Examiner's report on 06.02.2013, he was not taken into custody; during the period of bail,

he did not misuse the concession of bail or was involved in any other case of NDPS Act; and without mentioning any reason in the order dated 04.05.2015, except that the recovery is commercial, the petitioner was taken into custody, the present petition is allowed and the petitioner (Gurmeet Singh alias Geet Gujjar) is directed to be released on regular bail subject to furnishing bail/surety bonds to the satisfaction of the trial Court.

09.09.2015
neetu

(DAYA CHAUDHARY)
JUDGE