

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27591 of 2016

Date of Decision: September 06, 2016

Gurpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Nandan Jindal, Advocate
for the petitioners.

Mr. J.S. Brar, AAG, Punjab.

FATEH DEEP SINGH, J.

The allegations in this second bail application under Section 439 Cr.P.C. preferred on behalf of the petitioner-Gurpreet Singh are that on 30.01.2014 Police party came across a car make Optra bearing registration No.PB-11-BN-2138 in which three persons were sitting and when on seeing the Police party the driver of the car tried to sped away it struck against the objects including a tree and bridge and out of which the driver managed to escape while other two persons who were apprehended disclosed their names as Sandeep Singh @ Boda and Ravi Singh @ Gogi and on search of the vehicle 05 bags each containing 30 Kg. of poppy husk were recovered. The petitioner was arrested on 24.7.2015 after the co-accused disclosed his particulars.

Learned counsel for the petitioner contended that the petitioner was never apprehended at the spot and cannot by any means be connected with the alleged recovery of the contraband and that the co-accused Ravi Singh @ Gogi has been allowed similar relief.

The bail application is opposed by learned State counsel on the grounds that huge contraband has been recovered which disentitles the petitioner to any relief and that the co-accused was allowed relief only on the ground by virtue of non-compliance of Section 36A of the NDPS Act.

Appreciating the submissions the mere fact that the petitioner is in custody since more than 01 year is not a mitigating circumstance for allowing bail. The amount of contraband so recovered and the fact that no fresh ground has been brought to the notice of this Court by the learned counsel for the petitioner for filing this second bail application impels this Court to dismiss the present application.

(FATEH DEEP SINGH)
JUDGE

September 06, 2016
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No