

Crl. Misc. No. M-29059 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-29059 of 2018

DATE OF DECISION:14.11.2018

Gagandeep Singh @ Gagan

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. LS Sekhon, Advocate
for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

DAYA CHAUDHARY, J.

This is the second petition under Section 439 Cr.P.C. for grant of regular bail to petitioner-Gagandeep Singh @ Gagan in case FIR No. 65 dated 11.7.2017 registered under Section 22/25/61/85 of NDPS Act at Police Station Jhunir, District Mansa. Earlier petition was dismissed as withdrawn with liberty to re-file at an appropriate stage on 23.4.2018.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case, whereas, he was picked up by the Investigating Officer and was involved in this case. Nothing was recovered from the conscious possession of the petitioner. The alleged recovery is 2000 tablets each containing 0.5 mg of Alprazolam and the total weight of all the tablets is not more than 200 gms. The petitioner is in custody since 11.7.2017. All the witnesses are official and there is no possibility that the

petitioner may tamper with the evidence or influence the witnesses. Learned counsel further contends that no other case of NDPS is there against the petitioner. In other case of accident, the petitioner has been acquitted of the charges.

Learned counsel for respondent-State has not disputed the custody period as well as the fact that no other case of NDPS Act is there against the petitioner.

Keeping in view the submissions made by learned counsel for the petitioner and also the facts that the petitioner is in custody since 11.7.2017; all the witnesses are official and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence and no other case of NDPS Act is pending against the petitioner, the present petition is allowed. Petitioner-Gagandeep Singh @ Gagan is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

November 14, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No