

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRM-M-4887 of 2019**

DATE OF DECISION: FEBRUARY 8, 2019

GURPREET SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.**

PRESENT: MR. S.S. SIDHU, ADVOCATE FOR THE PETITIONER.  
MR. HARSIMAR SINGH SITTA, AAG, PUNJAB.

**MANOJ BAJAJ, J.(ORAL)**

This petition has been preferred for grant of regular bail to the petitioner in case FIR No.09 dated 04.03.2014 under Section 15 and 25 of NDPS Act, 1985 and Section 201/120-B IPC registered at Police Station Bhadaur, District Barnala.

As per the allegations in the FIR, on 4.3.2014, a secret information was received that 4/5 persons are coming in one 10 wheeler truck-trala bearing No.HR62-A-2525 loaded with poppy husk. On the basis of the above secret information, the truck was intercepted and on search, 80 bags of poppy husk weighing 35.5. kgs each were recovered.

Learned counsel for the petitioner contends that the petitioner was not apprehended from the spot and only on the basis of the statement made by one Balraj Singh, he has been made accused in the FIR. It is submitted that the said statement was hear-say only, as Balraj Singh named one Babbi Singh son of Makhan Singh Jatt talking with other co-accused and not the petitioner. It is further submitted that Balraj Singh resiled from his above statement

before the trial Court. Learned counsel further submits that the co-accused of the petitioner, namely, Mandeep Singh @ Deepa and Gurjeet Singh @ Waqkeel have been granted the concession of regular bail by this Court.

Learned counsel for the State has opposed the prayer for grant of bail. However, on instructions from ASI Sukhwinder Singh, it is not disputed challan has been presented before the trial Court.

The petitioner was indicted as an accused on the basis of statement made by Balraj Singh who while appearing as PW1 resiled from his statement. Even otherwise, he named one Babbi Singh son of Makhan Singh Jatt alongwith co-accused in the alleged statement made before the Police and not the petitioner.

The petitioner is in custody since 8.11.2018 and the challan stands filed. The petitioner has also not been named by Balraj Singh in his alleged information shared with the Police. The co-accused of the petitioner have already been granted regular bail by this Court. The trial is likely to take some time and no useful purpose would be served in keeping the petitioner behind bars.

Therefore, considering the above, without commenting anything upon merits of the case, the petitioner, namely, Gurpreet Singh is admitted to regular bail, subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the concerned trial Court.

The petition is allowed.

February 8, 2019

Gulati

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No

**(MANOJ BAJAJ)**  
**JUDGE**