

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

1. CRM-M-20257-2018 (O&M)
Date of decision : 29.05.2019

Gagandeep Singh @ Gagan ...Petitioner

Versus

State of Punjab ...Respondent

2. CRM-M-4648-2019 (O&M)
Date of decision : 29.05.2019

Janga Singh @ Jang Bahadur ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL.

Present: Mr. Vipul Aggarwal, Advocate for the petitioner
(In CRM-M-20257-2018)

Mr. Amit Arora, Advocate for the petitioner
(In CRM-M-4648-2019)

Mr. Vipul Jindal, Advocate for the applicant
(In CRM-13790-2019)

Mr. Bhupender Behiwal, AAG, Punjab.

ANIL KSHETARPAL, J.

By this order, CRM-M-20257-2018 and CRM-M-4648-2019,
arising from a criminal trial pending before the Court shall stand disposed
of.

Gagandeep Singh @ Gagan and Janga Singh @ Jang Bahadur
have prayed for grant of concession of regular bail in FIR No.86 dated

10.08.2017 registered under Sections 307, 474, 34 of the Indian Penal Code (offence under Section 473 IPC added later on) and under Section 21/61/85 of the Narcotics Drugs and Psychotropic Substances Act, 1985 and under Section 25/54/59 of the Arms Act, at Police Station Chohla Sahib, District Tarn Taran.

Learned counsel for the petitioners have argued at length and relied upon large number of judgments passed by Hon'ble the Supreme Court as well as by this Court. The precise argument of learned counsels for the petitioners is that only actual narcotic content can be considered while determining as to whether the recovery from the petitioners falls under the category of commercial or not. In substance their submission is that neutral substance/material cannot be taken into consideration. It may be noted that in case of **Hira Singh and another Vs. Union of India and another, (2017) 3 SCC 162**, Hon'ble the Supreme Court has referred the matter to Larger Bench in which hearing has started.

On the other hand, learned counsel for the State has drawn attention of the Court to number of cases pending against each of the petitioner.

As per custody certificate filed in the case of Gagandeep Singh i.e. CRM-M-20257-2018, it is found that petitioner is involved in two other cases under Narcotic Drugs and Psychotropic Substances Act, 1985 whereas he is involved in another case under Sections 392/506 IPC read with 25/54/59 Arms Act. He is also involved in another FIR No.83 dated 09.08.2017 under Section 379/34 IPC. No doubt, he has been acquitted in

one case under Section 307 IPC and other Sections of the Indian Penal Code and Arms Act, however, keeping in view the larger number of cases, this Court is required to consider that whether the petitioners are to be granted concession of regular bail or not.

After considering the arguments of learned counsel for the parties, this Court is of the view that at this stage, it would not be appropriate for the Court to express any opinion on the merits of the case lest it may prejudice the trial of the case. However, keeping in view the fact that petitioner Gagandeep Singh is involved in four more cases which are pending out of which two are under NDPS Act, concession of regular bail to the petitioner can not be granted.

As regards prayer of Janga Singh, it may be noted that on 01.04.2019, State Counsel had submitted that three more cases are pending against the petitioner. Although, it is true that petitioner was not caught at the spot, however, keeping in view the allegations and the fact that the police party was fired upon when effort was made to stop the vehicle in which they were travelling with forged number plate, this Court does not find that the petitioner deserves concession of regular bail.

Accordingly, both the petitions are dismissed. However, learned trial Court is requested to make sincere endeavour to complete the trial as expeditiously as possible.

29.05.2019

Pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No