

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

**CRM-M No. 14114 of 2019
Date of Decision:-17.05.2019**

Gurmeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Sardavinder Goyal, Advocate
for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner Gurmeet Singh has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.23 dated 24.1.2019, under Sections 15/20 of NDPS Act, registered at Police Station City Barnala, District Barnala. The petitioner is in custody since his arrest on 24.1.2019.

The FIR in question reads as under :-

“Copy of Ruka ” SHO Police Station City Barnala, Fateh, today myself ASI along with HC Satnaam Singh 462, were patrolling for checking of suspicion persons at Gada Khana Chownk Barnala. Where, C Bhushan Kumar 898 Special Task Force Sangrur met us and joined him in party and at about 6.40 PM myself ASI

reached at Balmik Chownk alongwith co-employees. Then secret informer separately informed me that Gurmeet Singh S/o Mukhtiar Singh r/o Back Side Bus Stand Barnala is habitual of selling Poppy husk and Charas in Barnala and adjoining villages. Today, Gurmeet Singh will go towards Barnala to Sangherha for seling out Poppy Husk and Sulfa, If a barrier is installed on the way then Gurmeet Singh can be arrested with heavy quantity of poppy husk and Sulfa. Information is reliable and trustworthy; Act of selling of Poppy husk and Sulfa is establishing offence under 15/20/61/85 of NDPS Act against Gurmeet Singh. Therefore, Ruka has been sent through C Bhushan Kumar 898 by hand for registration of case against Gurmeet Singh. File number be informed after registration of case. Control room Barnala be informed through wireless. Investigating Officer be send to spot as soon as possible. Myself ASI alongwith co-employees joined investigation.”

Learned counsel for the petitioner contends that it was just a secret information, which was reduced into writing and no recovery was effected, therefore, the FIR could not be registered.

This Court does not find any merit in the said argument as pursuant to the information, the police had apprehended the petitioner alongwith the contraband i.e. 2.5 kilograms of poppy husk.

Learned counsel has further submitted that the recovered contraband falls within the category of non-commercial quantity and therefore, submits that concession of bail be extended to the petitioner, particularly when the investigation of the case is complete. According to

him the challan has been filed.

On the other hand, learned State counsel has opposed the bail application on the ground that the petitioner is repeatedly indulging into such offences and points out that petitioner is involved in (i) FIR No.34 dated 09.2.2012, under Section 61-1-14 of the Excise Act, registered at Police Station City Barnala, District Barnala; (ii) FIR No.52 dated 21.5.2017, under Section 61-1-14 of the Excise Act, registered at Police Station Sadar Barnala, District Barnala; (iii) FIR No.57 dated 13.10.2012, under Section 15-61-85 of the NDPS Act, registered at Police Station Jhunir, District Mansa; and (iv) FIR No.38 dated 20.3.2010, under Section 15-61-85 of the NDPS Act, registered at Police Station Moonak, District Sangrur.

Learned counsel for the petitioner does not dispute the involvement of the petitioner in two FIRs registered under the NDPS Act. It is pointed out that in one of the case, after conviction, the sentence of the petitioner stands suspended and in other case he has served the sentence. It is not disputed by learned counsel for the petitioner that there is a clear averment in the petition that petitioner would standtrial in the said FIR and prays for concession of bail only during the pendency of the trial. It is no where the case of the petitioner that the FIR be quashed.

After hearing learned counsel for the parties, this Court is of the considered opinion that the issue raised by learned counsel for the petitioner regarding registration of FIR would be a matter of evidence and would be examined by the trial Court after the evidence is adduced by the

prosecution. The trial is at initial stage and considering the background of the petitioner, no case for grant of regular bail to him is made out. Resultantly, the petition is dismissed.

May 17, 2019

Vijay Asija

(MANOJ BAJAJ)

JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No