

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-21380 of 2019
Date of Decision: 14.11.2019

Gurpreet Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. L.S. Sekhon, Advocate
for the petitioner.

Mr. Rakeshinder Singh Sidhu, A.A.G. Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.34 dated 25.03.2019 registered for the offence punishable under Section 18 of Narcotic Drugs and Psychotropic Substances Act, 198, at Police Station City-I, Malerkotla, District Sangrur.

Heard.

As per case of prosecution, the police apprehended car bearing registration no. PB-10-GH-5100 on the basis of secret information that petitioner alongwith co-accused, Beant Singh is involved in sale of Opium and was bringing heavy consignment of Opium in that car on 25.03.2019. On apprehension, the police recovered 468 gms. of Opium from the person of petitioner while 3 kgs. of Opium was recovered from Beant Singh, who was also sitting in the car.

Learned counsel for the petitioner submits that recovery from the petitioner is of non-commercial quantity of Opium and the commercial

quantity of Opium was recovered from co-accused, Beant Singh, for which petitioner cannot be held in conscious possession.

Learned State counsel on instructions from ASI Ram Singh submits that petitioner alongwith Beant Singh was coming in a car with consignment of Opium. While petitioner had wrapped 468 gms. of Heroin around his waist, Beant Singh was having 3 kgs. of Opium with him. Both were aware of the Opium carried by each other, as such, are liable for recovery of entire Opium from both of them.

As per recovery memo, copy of which has been placed on file as Annexure P-2, separate search of both the accused was conducted. On personal search of petitioner 468 gms. of Heroin was recovered, which falls in non-commercial quantity of Opium. It will be a matter of evidence before the trial Court as to whether petitioner was also in conscious possession of 3 kgs. of Opium recovered from co-accused Beant Singh.

In view of above facts but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Gurpreet Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his

presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.

- (c) He shall not leave the country without the previous permission of the Court.

November 14, 2019
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(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No