

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

**CRM-M No. 48678 of 2019
Date of Decision:-21.11.2019**

GAGANDEEP SINGH @ GORA

.....Petitioner

V/S

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Ms. Parminder Kaur, Advocate for
Mr. Sandeep Kumar Passi, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, D.A.G. Punjab and
ASI Shivinder Singh, Investigating Officer.

ARUN KUMAR TYAGI, J. (ORAL)

Prayer in the petition is for grant of regular bail to the petitioner in case FIR No. 181 dated 12.08.2016 registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Faridkot, District Faridkot, Punjab.

Learned Counsel for the petitioner has submitted that the petitioner along with his co-accused, initially named in the FIR as Suniara Mehmuna but subsequently traced to be Harmanjeet Singh, is alleged to have handed over polythene packet containing 180 tablets of Buprenorphine Hydrochloride total weighing to 20.217 grams which is marginally more than the commercial quantity of 20 grams to Amandeep Singh. The case of the prosecution is highly improbable as no one could handover any such substance to person under police escort. Co-accused Harmanjeet Singh has been granted anticipatory bail by the coordinate Bench of this Court vide

order dated 17.02.2017 in CRM-M 3864 of 2017. The trial is likely to take long time. The petitioner is not involved in any other case. Therefore the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel has submitted that the petitioner is accused of having handed over commercial quantity of the contraband to Amandeep Singh and does not deserve the concession of regular bail. However, learned State Counsel has conceded that the petitioner is not involved in any other case under the NDPS Act.

Keeping in view the facts and circumstances of the case, involvement of the question as to who handed over the polythene packet containing narcotic substance and also the fact that he is not involved in any other case under the NDPS Act and satisfaction of both the conditions under Section 37(1)(b) of the NDPS Act by due implication, the period of his custody and parity with his co-accused Harmanjeet Singh but without expressing any opinion on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail. Therefore, the petition is allowed and the petitioner is ordered to be released on bail on furnishing of bail bonds to the satisfaction of Trial Court. However, in case of commission of any offence under the provisions of NDPS Act by the petitioner in future, his bail in the present case shall also be liable to be cancelled on filing of application in this regard.

21.11.2019

Rajeev (rvs)

**(ARUN KUMAR TYAGI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No