

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-18015-2020 (O&M)
Date of Decision:-5.10.2020

Hasanpreet Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Veneet Sharma, Advocate for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.74 dated 13.6.2014 at Police Station Sarai Amant Khan, District Amritsar City (at present the police station falls within the District Tarn Taran) under Sections 21 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The FIR was lodged on the basis of secret information to the effect that Mukhtiar Singh @ Kaka, Gurcharan Singh @ Bhola, Nirbaib Singh @ Tirath, Hasanpreet Singh (petitioner), Karamjit Singh @ Karma, Harjit Singh @ Judge, Yudhbir Singh @ Dholi, Jasmer Singh @ Shera, Bhagwan Singh @

Bhaga, Manjot Singh @ Jodha had formed a gang and used to smuggle 'herion' from across the border of Pakistan and used to supply the same in various districts of Punjab. It is further alleged that Bhagwan Singh @ Bhaga, Manjot Singh @ Jodha, Yudhbir Singh @ Dholi and Karamjit Singh @ Karma were coming in an Innova vehicle bearing registration No.DL-1Y-B-1668 alongwith huge quantity of intoxicants. It is further the case of prosecution that pursuant to the aforesaid information the police was able to nab the aforesaid Innova vehicle in which 4-5 young persons were sitting. However, Manjot Singh @ Jodha, who was driving the vehicle, and Bhagwan Singh @ Bhaga and two other persons managed to escape. The police was, however, able to nab Karamjit Singh @ Karma, who disclosed the name of other persons, who had run away as Jodha, Bhaga and Dholi. It is further the case of prosecution that upon search of a polythene bag carried by the aforesaid Manjot Singh @ Jodha 1 kg. of 'heroin' was recovered.

3. The learned counsel for the petitioner has submitted that the petitioner was never apprehended at the spot and infact even as per the allegations in the FIR the petitioner was not an occupant of the Innova vehicle, which had been apprehended by the police.
4. Opposing the petition, the learned State counsel has submitted that the petitioner is a habitual offender having been involved in 3 other cases under NDPS Act and also having been convicted in one of the case and, as such, does not deserves to be released on bail. The learned State counsel has, however, informed that the petitioner has been behind bars since the last about 2 years and 9 months.
5. I have considered rival submissions addressed before this Court.

6. Keeping in view the fact that the petitioner was never apprehended at the spot and is not even stated to be amongst the five persons, who were stated to be sitting in the car apprehended by the police, and has been behind bars since the last about 2 years and 9 months, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

5.10.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No