

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

CRM-M-130-2021

DECIDED ON: 11th JANUARY, 2021

GURNAM SINGH @ GAMI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Divjyot S. Sandhu, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition for regular bail in case of FIR No. 159, dated 13th August, 2020, under Section 15 of Narcotics Drugs and Psychotropic Substances Act, 1985 (NDPS) registered at Police Station Dharamkot, District Moga.

The brief facts of the case are that on the basis of secret information checking was done at Dholewal Bridge Chowk Dharamkot and 55 kgs of poppy husk was recovered. There were two accused. Gurpreet Singh @ Peeta was apprehended whereas Gurnam Singh @ Gami (petitioner) succeeded in fleeing from the spot.

Learned counsel for the petitioner submits that the petitioner was not arrested at the spot and recovery of 55 kgs of poppy husk is marginally above the commercial quantity. Petitioner is in custody and the challan has yet not been presented.

Learned State counsel submits that petitioner is involved in another case i.e. FIR No. 18, dated 6th September, 2018, under Section 15 of NDPS Act and she opposes the grant of bail.

Learned counsel for the petitioner submits that in the said case, recovery was of non-commercial quantity and petitioner is on bail.

Considering the facts; that no recovery is to be effected; petitioner was not apprehended from the spot; conclusion of trial would take time and recovery is marginally beyond commercial limit, present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing surety/bail bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

However, it is clarified that anything stated hereinabove shall not be construed as an expression on the merits of the case and is only for the purpose of deciding the bail application.

(AVNEESH JHINGAN)
JUDGE

11th JANUARY, 2021

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>