

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-5097-2021 (O&M)

DATE OF DECISION: AUGUST 31, 2021

GURPREET SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. R.K. GUPTA, ADVOCATE FOR THE PETITIONER.
MR. RAMANDEEP SANDHU, SR.DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.220 dated 9.11.2019, under Section 21/22/25/29 NDPS Act, Police Station Dhanaula, District Barnala. The petitioner is in custody since his arrest on 9.11.2019.

The FIR was registered on dated 9.11.2019 on the basis of secret information that Sukhdev Singh, Gurpreet Singh and Happy Singh were involved in smuggling of narcotic substances and on that day also, they all were going to sell Heroin, Narcotic Tablets and vials in their White Swift Dzire Car bearing Registration No.PB13AW2820 in Barnala City and nearby areas and if a search is conducted, they could be apprehended alongwith the contraband. Upon the said secret information, accused Sukhdev Singh, Gurpreet Singh and Happy Singh were apprehended and 1100 gms. of Heroin was recovered from them. On these broad allegations, the present FIR was registered.

During the pendency of the petition, the petitioner filed CRM-22730-2021 for grant of interim bail on the ground that his wife is sick and

suffering from Seizures repeatedly and requires immediate medical attention.

On merits, learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the above FIR and out of total 23 prosecution witnesses, none has been examined so far. Therefore, considering his custody period of approximately 2 years, he be released on bail.

The prayer is opposed by learned State counsel assisted by ASI Gurdeep Singh, who has argued that in total 1100 gms. of Heroin was recovered from the petitioner and his co-accused, out of which 500 gms. was found in possession of the petitioner. He has further placed on record the medical opinion of the Doctor which indicates that ailment of the wife of the petitioner is an old one, who is getting timely treatment and at present is stable and her Seizures are controlled. He has further produced the custody certificate of the petitioner which indicates that he is involved in another case of similar nature.

After hearing learned counsel for the parties and considering the above background, this Court is of the opinion that the ailment suffered by the wife of the petitioner is old who is getting proper treatment and is stated to be stable. As per prosecution, the petitioner was arrested on the spot alongwith commercial quantity of Herion who is involved in another crime of similar nature as well.

Resultantly, this Court does not find it to be a fit case for extending him the concession of regular/interim regular bail.

Dismissed.

August 31, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No