

111

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-40653-2021 in/and  
CRM-M-15804-2021 (O&M)  
Date of Decision: 02.12.2021

Suresh Kumar Gandharav

.. Applicant/Petitioner

Vs.

State of Punjab

..Respondent

**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Kewal Singh, Advocate for applicant-petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

...

**Manoj Bajaj, J. (Oral)**  
**CRM-40653-2021**

The instant application is for pre-poning the date of hearing of the main petition to an early date.

Notice in the application.

At this stage, Mr. Ramdeep Partap Singh, DAG, Punjab, accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to today.

**CRM-11829-2021**

Application is allowed, subject to all just exceptions. Annexure P-3 is taken on record.

**CRM-M-15804-2021**

Petitioner has prayed for grant of regular bail under Section 439

Cr.P.C, pending trial in case FIR No.199 dated 10.12.2020 registered under Sections 18/21/25/29 NDPS Act, 1985 at Police Station City-1 Mansa, District Mansa. The petitioner is in custody since his arrest on 27.01.2021.

The FIR was registered on the basis of a secret information and the allegations as noticed by the Id. Judge, Special Court, Mansa in the order dated 10.03.2021 are as under:

*“The brief facts of the case are that on 10.12.2020, accused Mange Ram and Balkar Singh were intercepted by the police. Accused Mange Ram (non applicant) was found in possession of 100-gm of opium and accused Balkar Singh (non applicant) was found in possession of 90-gm of opium. During the interrogation, it was transpired that accused Mange Ram alias Prince was having links with Gopal alias Suresh Kumar Gandharav (applicant) resident of Madhya Pradesh. Mange alias Prince used to purchase the opium from aforesaid Gopal and the payments for the purchase of opium were done through Google Pay App from the account of wife of Prince to the account of Gopal alias Suresh Kumar Gandharv.”*

Learned counsel contends that the alleged contraband (190 grams opium) was recovered from co-accused Mange Ram @ Prince and Balkar Singh, who have already been released on regular bail by this Court. He submits that on the basis of disclosure statement suffered by Mange Ram @ Prince, the petitioner was arraigned in the above case. Learned counsel for the petitioner has argued that the co-accused of the petitioner, namely, Tarlochan Singh @ Giani, who is similarly situated, has been extended the concession of regular bail by this Court vide order dated 17.11.2021 in CRM-M-33036-2021. He states that the alleged contraband falls in non-commercial quantity. According to him, the investigation of the case is complete and even charges were framed on 08.02.2021, therefore, the petitioner be also released on regular bail during the pendency of the trial.

Learned State counsel assisted by SI Jaspal Chand, has opposed

the prayer, however, he does not dispute the fact that the recovered contraband falls within the ambit of non-commercial quantity. It is also not disputed that the co-accused of the petitioner have been released on regular bail.

After hearing the learned counsel for the parties, this Court finds that though the challan was presented on 08.02.2021, but the trial is yet to commence, therefore, it is evident that the conclusion of trial would take considerable time. Apart from it, the co-accused of the petitioner have been released on regular bail, thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest. Further, all the prosecution witnesses are the police officials and there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

02.12.2021  
Jasmine Kaur

(MANOJ BAJAJ)  
JUDGE

|                           |     |    |
|---------------------------|-----|----|
| Whether speaking/reasoned | Yes | No |
| Whether reportable        | Yes | No |