

CRM-M-22305 of 2021

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22305 of 2021
Date of Decision 09.8.2021

Gagandeep Singh @ Gaggi

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present : Mr. Sunny K. Singla, Advocate,
for the petitioner.

Mr. J.S. Ghumman, DAG, Punjab.

(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual Court).

ARUN PALLI, J. (Oral):

Vide this petition under Section 439 of the Code of Criminal Procedure, the petitioner prays for a regular bail in FIR No. 90 dated 16.4.2019, under Sections 22/29/61/85 of the NDPS Act and under Sections 25/54/59 of the Arms Act, 1959, registered at Police Station Jamalpur, District Ludhiana.

As per the prosecution version, a recovery of 22 capsules of Cetadol-50 containing sale Tramadol Hydrochloride, 450 tablets of Cavilodol-100SR containing salt Tramadol Hydrochloride, 560 tablets of Prozolam-0.5 containing salt Alprazolam and 180 tablets of Ativan-2MG containing salt Lorazepam, was caused from the petitioner and his co-caused (Baljinder Singh).

Learned counsel for the petitioner submits that apparently implication of the petitioner is false, for his signatures were not obtained on the recovery memo. Though the charges were framed on 22.8.2019, but of

the 22 prosecution witnesses, only 3 have been examined. Thus, he submits that it would take a long for trial to conclude. Further, petitioner has been in custody for a period of 2 years and 4 months and is not involved in any similar case. In reference to the order dated 29.9.2020 passed in CRM-M-48763 of 2019 (Annexure P-4), he submits that co-accused of the petitioner (Baljinder Singh) has since been enlarged on bail by this Court.

As oppose to this, learned Stated counsel submits that recovery of contrabands caused from the petitioner and his co-accused is commercial in nature. However, the period for which the petitioner has been in custody is not disputed. Upon being pointedly asked, learned State counsel fairly submits that role attributed to the petitioner is identical as is to his co-accused (Baljinder Singh), who has been released on bail by this Court. Further, the petitioner has no such antecedents, as he is not involved in any similar case.

Accordingly, the petition is allowed and the petitioner is ordered to be enlarged on bail subject to furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

Needless to assert that this order or any observation made hereinabove shall not constitute any expression of opinion on the merits of the case.

(ARUN PALLI)
JUDGE

August 09, 2021
AK Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No