

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

**CRM-M-32212-2020 (O&M)
Date of Decision : 12.10.2021**

Gagandeep Singh @ Gaggi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. J.S. Warring, Advocate
for the Petitioner.

Mr. B.S. Sewak, Addl. Advocate General, Punjab
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

CRM-31411-2020

For the reasons mentioned in the application, the Applicant/
Petitioner is permitted to place on record the copy of order dated 15.11.2019
(Annexure P-4).

Application stands disposed off.

CRM-M-32212-2020

The instant Petition has been filed under Section 439 of the
Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner
in case FIR No.122, dated 10.08.2019, registered under Section 22/61 of the
Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station
Arniwala, District Fazilka.

2. The Petitioner has remained in detention for more than 2 years since 12.08.2019.

3. According to the FIR, contraband in the form of 1000 tablets containing Tramadol Hydrochloride was allegedly recovered from the *dikki* of silver coloured Alto Car bearing Registration No.DL-3C-AW-5341 which was coming from Village Gudiana. The present Petitioner was found to be sitting on the co-driver's seat of the Car which was being driven by co-accused Tarlochan Singh @ Kalu, were arrested by the Police Party.

4. Reliance of the Petitioner in this regard is on the following decisions passed by different Benches of this Court :-

1. **CRM-M No.6687 of 2020** decided on 09.02.2021 titled as '**Avtar Singh Vs. State of Punjab**'.
2. **CRM-M No.41639 of 2020** decided on 16.12.2020 titled as '**Charanjit Singh @ Geji Vs. State of Punjab**'.
3. **CRM-M No.48987 of 2018** decided on 03.04.2019 titled as '**Gurmeet Singh Vs. State of Punjab**'.
4. **CRM-M No.10541 of 2020** decided on 18.03.2020 titled as '**Jaswinder Singh Vs. State of Punjab**'.

5. In each of those decisions where contraband under the NDPS Act was recovered from a vehicle and not directly from the person of any of the apprehended accused, such person was permitted to be released on bail as it was held that in the given circumstances it would be doubtful that such recovery was made from the conscious possession of the person apprehended.

6. The present Petitioner is fully covered by the ratio of the above judgments since he is admittedly not even the owner of the car in question.
7. Trial in the case is likely to take some time. There is no record of the Petitioner's involvement in any other case under the NDPS Act.
8. In the circumstances, considering the long detention already undergone by the Petitioner, he is ordered to be released on bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/ Duty Magistrate concerned.
11. Disposed off.

October 12, 2021
Dpr

(SUDIP AHLUWALIA)
JUDGE

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