

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(209)

CRM-M-349-2021 (O&M)
Date of decision: 01.07.2021

Harpreet Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vishavdeep Singh Rana, Advocate
for the applicant-petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

SUVIR SEHGAL, J. (ORAL)

The Court has been convened through video conferencing due to
Covid-19 pandemic.

CRM-15489-2021

In view of the short reply filed by way of an affidavit of the
Deputy Superintendent of Police, Sub Division, Mehal Kalan by the State in
compliance of order dated 16.06.2021, the application is rendered
infructuous and is dismissed as such.

CRM-15388-2021

Noticing the prayer made in the application, it is allowed.

Hearing of the main petition is preponed to today and is ordered
to be taken up on Board today itself.

CRM-M-349-2021

Petitioner has filed petition under Section 439 of the Code of
Criminal Procedure, 1973 for grant of regular bail in case FIR No.52 dated
01.07.2020 under Sections 21 and 25 of the Narcotic Drugs and

Psychotropic Substances Act, 1985 (for short “the NDPS Act”), registered at Police Station Thulliwal, District Barnala, Punjab.

FIR (Annexure P-1) has been registered on the allegation that when a car was checked on suspicion, 280 grams of Heroin (chitta) was recovered from the mat of the rear seat along with one piece of paper laced with Heroin and one pipe made with a currency note of Rs.10, besides a lighter. The car was being driven by co-accused – Hardeep Singh and had four occupants including the petitioner, who was sitting in the front with the driver.

Counsel for the applicant-petitioner has submitted that the petitioner has been falsely involved in two FIRs registered on consecutive days by the local police as the motorcycle of the petitioner had hit the car of the SHO and there was an altercation between the two. He submits that in the first FIR bearing FIR No. 84 dated 30.06.2020 under Section 304 of the Indian Penal Code, 1860, the petitioner has been released on bail by the learned Additional Sessions Judge, Barnala vide order dated 24.08.2020 (Annexure P-2). On 01.07.2020, the FIR (Annexure P-1) was registered, wherein the petitioner was falsely roped in. His wife had addressed a letter (Annexure P-5) highlighting his false implication but the same remained unattended. He submits that the petitioner is working in the Verka Milk Plant and was on duty on the day the search of the car is alleged to have been conducted. He has made a reference to the affidavit dated 22.06.2020 filed by the State in CRM-15489-2021 to submit that petitioner's wife, who is employed as a Teacher with the Government Primary School, has medical

issues and has post delivery complications. Still further, he submits that the recovery effected from the petitioner is marginally higher than the maximum limit of non-commercial quantity as specified in the notification issued under the provisions of the NDPS Act. He urges that the investigation is complete, challan has been presented and the petitioner, who is behind bars since 01.07.2020 and is not involved in any other cases besides the mentioned above cases, deserves to be enlarged on bail.

Per Contra, learned State counsel, upon instructions from ASI Satpal Singh, submits that the petitioner was travelling in the car from which the contraband, which falls within the ambit of commercial quantity was recovered. As per his instructions, all the four accused have been arrested, the final report under Section 173 of the Code of Criminal Procedure, 1973 has been filed on 17.11.2020, but the charge is yet to be framed and none of the 11 prosecution witnesses have been examined till date.

I have considered the rival submissions of the parties.

The contraband recovered from the petitioner is marginally above the threshold limit of non-commercial quantity as specified in the notification issued under the Act. This Court in ***Rajdev Giri Vs. State of Punjab***, CRM-M- 44898-2019, decided on 18.09.2020; ***Rahish Vs. State of Haryana***, CRM-M-36498-2020, decided on 11.11.2020; ***Karambir Vs. State of Haryana***, CRM-M-31820-2019, decided on 28.08.2019; ***Jagjit Singh @ Jagga Gill Vs. State of Punjab***, CRM-M-41242-2019, decided on 27.02.2020 and ***Baljit Kaur @ Baljito Vs. State of Punjab***, CRM-M-12849-

2020, decided on 04.06.2020, enlarged the accused on bail in cases where the alleged recovery was slightly more than the quantity prescribed for commercial category under the Act.

Keeping in view the above facts and circumstances, nature of allegations, gravity of offences and the medical condition of the wife of the petitioner, period of incarceration of the petitioner as well as the the fact that the trial is likely to take time to conclude, no purpose would be served by keeping the petitioner behind bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner – Harpreet Singh is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

While being released on bail, the petitioner shall furnish an undertaking to the effect that he shall not indulge in any criminal activity. In case, he violates the undertaking, it shall be open to the prosecution to seek cancellation of bail.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

01.07.2021
Kamal

(SUVIR SEHGAL)
JUDGE

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