

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

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CRM-M-1025-2022
Date of Decision: 28.10.2022

Gurjinder Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Avtar Singh Bhatti, Advocate
for the petitioner.

Mr. Amish Sharma, Asstt. A.G., Punjab
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.260 dated 10.12.2019 registered under Sections 399, 402, 412 and 120-B of the Indian Penal Code, 1860 and Sections 25 and 28 of the Arms Act, 1959 and Sections 22 and 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Tanda, District Hoshiarpur.

As per the case of the prosecution, on 10.12.2019, police party headed by SI Jasbir Singh received secret information that accused Harpreet Singh @ Raja, Jagtar Singh @ Jagga, Karanjit Singh @ Monu, Gurjinder Singh @ Kaka (petitioner) and Sarbjit Singh @ Sabi armed with deadly weapons made planning to commit dacoity. FIR was got registered and raid was conducted at the disclosed place where Harpreet Singh and Jagtar Singh were found having rifles while Karanjit,

Gurjinder Singh and Sarabjit Singh were sitting with them and were taking intoxicant powder. Two rifles along with live cartridges and three kirpans were recovered from them. On personal search, 225 grams intoxicant powder from accused Karanjit, 120 grams intoxicant powder from accused Gurjinder Singh (petitioner), 60 grams intoxicant powder from accused Sarbjit Singh, 260 grams intoxicant powder from accused Jagtar Singh and 265 grams intoxicant powder from accused Harpreet Singh @ Raju were recovered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He had no concern with the main accused Harpreet Singh and Jagtar Singh. The only role attributed to the petitioner is that he was sitting with other co-accused and planning to commit dacoity. No weapon was recovered from him. Even the contraband recovered from the petitioner is marginally higher than the commercial quantity. Earlier, the petitioner was released on interim bail by the trial Court vide order dated 04.03.2020. The petitioner never misuse the concession of interim bail and on presentation of the challan he himself surrender before the trial Court. The petitioner is in custody since 17.09.2021. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

Per contra, learned State counsel opposed the present petition in terms of reply filed by way of an affidavits dated 03.02.2022 and 19.07.2022. Learned State counsel submits that the petitioner- Gurjinder Singh along with Karanjit Singh @ Monu and Sarbjit Singh

armed with swords were sitting with accused Harpreet Singh and Jagtar Singh who were armed with rifles and the petitioner, Karanjit Singh @ Monu and Sarbjit Singh were consuming intoxicant powder. Sword and 120 grams intoxicant powder was recovered from the conscious possession of the petitioner. As per FSL report, the salt alprazolam was found in contraband recovered from the petitioner and the quantity recovered from him falls in the category of commercial quantity.

I have heard learned counsel for the petitioner as well as the learned State counsel and gone through the paperbook.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the fact that the contraband recovered from the petitioner falls in the category of 'commercial' quantity which attracts rigors of Section 37(1)(b) of the NDPS Act I am of the considered view that the petitioner does not deserve the concession of regular bail.

In view of the above, the present petition is dismissed.

28.10.2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No