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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2847-2022 (O&M)

Date of Decision:09.03.2022

Gurpreet Singh @ Nikka

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Inderpreet Singh Brar, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.51 dated 11.05.2021 registered under Section 22(c) NDPS Act at Police Station Bajakhana, District Faridkot. The petitioner is in custody since his arrest on 11.05.2021.

The FIR was registered on the basis of a secret information and the allegations as noticed by the Id. Judge, Special Court, Faridkot in the order dated 10.09.2021 are as under:

“As per the story of the prosecution in this case, ASI Jaswinder Singh alongwith police team was on patrolling in the area of the road leading from Lambwali to Bajakhana regarding checking of suspicion persons and when he reached near the shed meant for the passenger for the purpose of their sitting he noticed that one gentleman alongwith one lady was sitting, there and on seeing the police party, they tried to escape from the said spot, but both were apprehended by the police party. They were in possession of intoxicating tablets and intimation in this regard was given to MHC Harbans Singh on his telephone, who further deputed SI Jaskaran Singh, ASI Balwinder Singh, C Jaskaran Singh and LC Veerpal Kaur and thereafter, police team reached at the spot and on enquiry one male person disclosed his name as Gurpreet Singh alias Nikka son of Resham Singh, resident of Abohar Road, Baba Jiwan Singh Nagar, Sri Muktsar Sahib and the lady was also

asked to disclose her name and she disclosed her name as Veerpal Kaur wife of Gurpiar Singh, resident of Kothe Barre Wale Kotli Ablu. Both the accused were apprised of the identity and rank by SI Jaskaran Singh and SI Jaskaran Singh expressed his suspicion regarding holding of some contraband by the accused and the said accused were also given option to get their search conducted either from some Ld. Magistrate or Gazetted Officer, but accused reposed faith in the Investigating Officer namely SI Jaskaran Singh and on conducting the search, the recovery of 170 strips of NRx Tramadol Hydrochloride Tablets RL-DOL 100 each strip containing 10 tablets total becoming 1700 tablets was effected recovered and the said contraband was taken into police possession. Accused were arrested and personal search of the accused was conducted.”

Learned counsel for the petitioner states that the petitioner is in custody for a long period and is not involved in any other case of similar nature. He further submits that the investigation of the case is complete and as the trial is yet to commence, the petitioner be released on regular bail.

Learned State counsel assisted by ASI Harnek Singh, has opposed the prayer on the ground that the alleged contraband recovered from the petitioner falls within the ambit of commercial quantity. He, on instructions, states that the investigation of the case is complete and charges have been framed on 10.08.2021, but no prosecution witness has been examined out of total fourteen prosecution witnesses. He has produced the custody certificate of the petitioner by way of affidavit of Joginderpal Superintendent of Central Jail, Faridkot, which indicates that he is not involved in any other case of similar nature.

After hearing the learned counsel for the parties and considering the above background, particularly the custodial period of the petitioner, his further detention behind the bars may not be necessary for any useful purpose. Apart from it, the material witnesses are police officials and at present 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.

09.03.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No