

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

220

**CRM-M-20524-2022
Date of decision: 18.05.2022**

GUPREET SINGH ALIAS BHAIRO

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Aminder Singh, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No. 208 dated 10.10.2020 registered under Sections 20, 22 and 29 of the Narcotics Drugs and Psychotropic Substances Act, 1985 and Section 42 and 52-A of the Prisons Act, 1894 at Police Station City-I, Sangrur, District Sangrur.

2. Briefly, the contents as to the prosecution is that one ASI Sanjeev Kumar No. 2263/Sangrur was searched by the Jail Staff on 10.10.2020. The search of the said ASI was conducted through Warder Gupreet Singh 611 in the presence of Assistant Superintendent Harbans Singh, Deodi Darban Head Warder Ram Lal 1147 and Deodi Munshi Warder Satnam Singh 610 and on personal search 42 grams of Ganja was recovered hidden in the front side of the underwear of the said ASI.

It is further submitted that the search was further got conducted after the matter was reported to the Deputy Superintendent of Jail and that point of time 52 intoxicant tablets of Alprazolam were recovered. Even though, the description of the sale has not been mentioned in the FIR, however, learned counsel on behalf of the Petitioner contends that he was instructed that the salt diagnosed in the said tablet was Tremadol Hydrochloride and that the covered quantity of 52 tablets have been placed in the commercial category.

3. Learned counsel submits that a disclosure statement of the said ASI Sanjeev Kumar was recorded wherein he had alleged that the contraband in question was to be delivered to the petitioner. No recovery of any nature has been effected against the petitioner and no fact has been discovered as a result thereof. He thus submits that the said disclosure has no evidentiary value in so far as the involvement of the petitioner is concerned. He further contends that the petitioner has been in custody in the instant case since 27.01.2021 and has already undergone an actual sentence of 01 year, 03 months and 20 days.

4. Per contra learned counsel appearing on behalf of the State submits that the petitioner has certain criminal antecedents and that there are other cases also registered against the petitioner and that he was already in custody when the instant FIR was registered. Learned counsel, however, could not controvert the fact that none of the other cases pertain to the NDPS Act and that the disclosure statement of ASI Sanjeev Kumar is also recorded while in custody does not lead to any recovery against the petitioner. The custody period of the petitioner is also not disputed. It is informed that the case is now fixed on

31.05.2022 before the trial Court for prosecution evidence and that no witness has been examined so far.

5. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their assistance.

6. Taking into consideration, the period of custody as well as the stage of trial and also the allegations levelled against the petitioner I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

7. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

MAY 18, 2022

vishal sharma

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No