

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

219

CRM-M-33281-2021 (O&M)

Date of Decision: 03.03.2022

GURPREET SINGH @ BUNTY

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. LS Sekhon, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.05 dated 17.01.2021, registered under Sections 15 and 25 of the NDPS Act, at Police Station Sadar Raikot, District Ludhiana (Rural).

Learned counsel for the petitioner submits that no recovery has been effected from the petitioner; that the alleged recovery of 4 quintals poppy husk was effected from Jagpreet Singh @ Goldy, who is the brother of the petitioner and that the petitioner had purchased the vehicle in question from one Manmohan Singh vide affidavit dated 19.02.2020, which is not a part of the challan and only on this assertion, the petitioner has been indicted in the present case. He further submits that the petitioner himself surrendered on 15.06.2021 and since then, he has been in custody and that there is no other case registered and/or pending against the petitioner.

In support of his contentions, learned counsel for the petitioner relies upon the judgment passed a Division Bench of this Court in CRM-M-25433-2015 titled Dharamveer and another vs State of Punjab, decided on 07.10.2015, wherein it has been held that in the absence of any recovery of contraband, Section 37(1)(b)(ii) of the NDPS Act, surely is not attracted.

On the other hand, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner was indicted on the basis of a secret information and that the vehicle in question had been purchased by the petitioner from one Manmohan Singh. He further submits that post framing of the charges, prosecution evidence is yet to commence.

I have heard the learned counsel for the parties.

The petitioner has himself surrendered on 15.06.2021. No recovery has been effected from the petitioner. The petitioner is not the registered owner of the vehicle apprehended, but has been indicted on the basis of an affidavit, showing the petitioner to be the owner of the said vehicle. The said affidavit is not a part of the challan. Recovery has already been effected from the co-accused. There is no other case registered and/or pending against the petitioner. Prosecution evidence is yet to commence. In such circumstance, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the

merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

03.03.2022

Aman Jain

Whether speaking/reasoned

Whether reportable

(HARNARESH SINGH GILL)

JUDGE

:

:

Yes/No

Yes/No