

**115+215 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-38762-2021 in/and
CRM-M-45058-2021
Date of decision: 05.01.2022**

Gurpreet Singh

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Bhupinder Ghai, Advocate for the applicant.
Ms. Geeta Sharma, DAG, Haryana.

AVNEESH JHINGAN, J (Oral):

Due to COVID-19 situation, the Court is convened through video conference.

CRM-38762-2021

This application under Section 482 Cr.P.C., 1973 is filed seeking preponement of the date of hearing of main petition.

Application for preponement has been rendered infructuous, since the main case is listed for today.

CRM-M-45058-2021

1. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 253, dated 24.07.2021, under Section 15 of NDPS Act, 1985, registered at Police Station Ellenabad, District Sirsa, Haryana.

2. As per the allegations the police party acting upon a secret information on 24th July, 2021, recovered two plastic bags from one Scorpio car bearing No. HR44L-7100 and a Swift car bearing No.

kilogram of poppy husk was recovered from Scorpio car and twenty kilogram from the Swift car. Scorpio car belongs to Panna Lal @ Bablu and Swift car was in the name of wife of Gurpreet Singh @ Jodha Singh(petitioner). Both Panna Lal @ Bablu and Gurpreet Singh (petitioner) were apprehended at the spot. They were unloading the plastic bags from Scorpio car and shifting it to the diggy (boot) of the Swift car.

3. Learned counsel for the petitioner submits that petitioner is in custody since 24th July, 2021, investigation is complete. Recovery of poppy husk from car which was belonging to his wife is of non-commercial. Further contention is that even if entire recovery is considered, it is marginally higher than the commercial quantity. He submits that contraband was weighed along with plastic bags.

4. Learned State counsel opposes the prayer for grant of regular bail and submits that the bags were being shifted from one vehicle to another and total recovery was of 52 kilogram. She further submits that petitioner is involved in two more cases under the NDPS Act.

5. Learned counsel for the petitioner submits that in the other FIRs the petitioner was nominated on the basis of disclosure statement. The recovery made from the co-accused was of non-commercial quantity and petitioner was granted anticipatory bail and regular bail in those cases.

6. Petitioner is in custody for more than six months, investigation is complete and the issue as to whether recovery from one car or both the vehicle is to be considered would be subject matter of trial. The recovery from both car is marginally higher than commercial quantity. Mere involvement of petitioner in other FIR itself would not be a ground to deprive the petitioner of his personal liberty. Petitioner is granted bail

subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. The petition is allowed.
8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

5th January, 2022
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes /No
2. Whether reportable

:

Yes /No