

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

203

**CRM-M-51733-2021
Date of decision: 25.02.2022**

GURPREET SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondents

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

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

Ms. A.K. Khurana, DAG Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

The instant petition has been filed under Section 439 CrPC for grant of regular bail to the petitioner in case FIR No.121 dated 22.11.2018 under Section 22 of the NDPS Act registered at Police Station Cheema, District Sangrur.

Learned counsel for the petitioner *inter alia* submits that the instant case has been registered on the basis of a secret information received by the investigating agency. It is contended that as per the FIR, the Police intercepted one motorcycle bearing registration No. PB-13AV-5497 and one Activa Scooty bearing registration No. PB-13AM-9417. It is alleged that upon interception, three persons were arrested at the spot and one person was alleged to have fled from the place of occurrence. As per the petitioner, the fourth person who is alleged to have made good his escape is stated to be the petitioner, who was later on arrested and is now in judicial custody since 03.04.2019. Learned counsel further contends that recovery of the contraband was effected from the three

persons, who were arrested at the spot i.e., Ravi Kumar, Bitu Singh and Gurtej Singh. Even after the arrest of the petitioner in the instant case, no recovery of any nature, whatsoever, was effected from him. He has been roped in as an accused only because the afore-mentioned motorcycle belonged to him. He further submits that even though the petitioner has undergone a custody of more than 02 years, the trial has not made much progress and only 03 out of total 12 witnesses have been examined so far. Learned counsel also makes a reference to the orders passed by this Court in CRM-M-10390 of 2019 titled as Ravi Kumar Vs State of Punjab dated 20.08.2019; CRM-M-39365 of 2019 titled as Bittu Singh @ Bitu Singh Vs. State of Punjab dated 18.10.2019 and CRM-M-37062-2019 titled as Gurtej Singh Vs. State of Punjab dated 03.10.2019, whereby all the three co-accused had been granted the concession of bail.

Ms. A.K. Khurana, learned DAG Punjab opposes the grant of regular bail to the petitioner on the ground that yet another case under the NDPS Act had been registered against the petitioner in the year 2019. She further submits that the vehicle used in the commission of the offence is registered in the name of the petitioner and the name of the petitioner also figured in the secret information. She, however, does not dispute that all the co-accused in the instant case have already been enlarged on bail by this Court and that the case of the petitioner is on a better footing than the others, since no recovery in the present case was effected from petitioner. It is also not in dispute that the period of custody of the petitioner is more as compared to the other co-accused.

Heard.

Taking into account the custody period undergone by the petitioner as well as the concession of bail already granted to other accused from whom recovery had been effected and the stage of trial, I deem it appropriate to enlarge

the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

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.

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.

(VINOD S. BHARDWAJ)
JUDGE

February 25, 2022
S.Sharma(syr)

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No