

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 18.01.2023

1. CRM-M No.677 of 2022 (O&M)

Gurjant Singh @ Janti

....Petitioner

Versus

State of Punjab

....Respondent

2. CRM-M No.12114 of 2022 (O&M)

Gurpal Singh @ Babbu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Amandeep Chhabra, Advocate
for the petitioner (in CRM-M-677-2022)

Mr. B.S. Sra, Advocate
for the petitioner (in CRM-M-12144-2022)

Mr. Teevar Sharma, AAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in both these 2nd petitions is for grant of regular bail to the petitioners namely Gurjant Singh @ Janti and Gurpal Singh @ Babbu, under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.42 dated 27.05.2021, registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act (in short 'the NDPS Act') at Police Station Sadar Abohar, District Fazilka.

The earlier one was dismissed as withdrawn on 30.09.2021.

Counsel for the petitioner(s) have argued that the new ground for filing these petitions is that one of the co-accused namely Pappa Singh @ Bhola Singh has been granted the concession of regular bail vide order dated 21.02.2022 passed in CRM-M No.47598 of 2021. It is further submitted that both the petitioners are in long custody of 01 year and 09 months and out of 17 PWs, only 02 PWs have been examined.

Brief facts of the case are that the FIR was registered at the instance of ASI Jaswant Singh, who received a secret information that two persons are indulged in the business of selling of poppy husk and are bringing the same from Rajasthan. Thereafter, the police party way-laid a barrier and stopped the car driven by the petitioner Gurjant Singh @ Janti whereas the petitioner Gupral Singh was the co-occupant and effected the recovery of 100 Kgs of Poppy Husk.

Counsel for the petitioners have further submitted that it will be a matter of trial whether Section 42 of the NDPS Act was properly complied with or not as the FIR was registered on the basis of a secret information. It is also submitted that both the petitioners are not in any other case.

Counsel for the State, on instructions from the Investigating Officer and on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioners are in custody for the last 01 year and 08 months; the co-accused of the petitioners is already released on bail; the petitioners are not involved in any other case; the

custodial interrogation of the petitioners is not required; out of 17 PWs, only 02 PWs have been examined and the conclusion of the trial will take some time, both these petitions are allowed and the petitioners namely Gurjant Singh @ Janti and Gurpal Singh @ Babbu are directed to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioners, in case they are found involved in any other case or misusing the concession of bail, in any manner.

A photocopy of this order be placed on the file of other connected case.

(ARVIND SINGH SANGWAN)
JUDGE

18.01.2023

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