

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.208

CRM-M-10037-2021

Date of decision: 12.01.2023

Gurdeep singh @ Manna

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Vishavdeep Singh Rana, Advocate,
for the petitioner.

Mr. Arun Luthra, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.111 dated 16.07.2020 registered under Section 21 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – the NDPS Act) at Police Station Barnala, District Barnala.

The petitioner is being prosecuted for having been found in illegal possession of 305 grams of heroin.

Seeking regular bail for the petitioner, learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; the petitioner is in custody since 16.07.2020; investigation in the case is complete and therefore, the petitioner is not in a position to influence the same; co-accused Gurpreet Singh and Jagseer Singh @ Seera have been granted regular bail by this Court and since 14 witnesses of the prosecution remain to be examined in the petitioner's trial the same will take a long time to conclude.

Per contra, learned State counsel submits that the petitioner was found in possession of 305 grams of heroin; he is a habitual offender as he has been convicted in 11 criminal cases and 16 other criminal cases are pending against him; in the pending cases there is also a case under the NDPS Act; co-accused Gurpreet Singh and Jagseer Singh @ Seera were granted bail by this Court inter-alia on the ground that no recovery had been

affected from their person and that if released on bail the petitioner is likely to indulge in similar offences.

In a raid conducted by the police, the petitioner was allegedly found to be in possession of 305 grams of heroin; the petitioner already stands convicted in 11 criminal cases which include several cases of armed dacoity and attempt to murder; presently, the petitioner is also facing 16 other criminal cases which include cases of armed dacoity and attempt to murder as also one case under the NDPS Act; co-accused Gurpreet Singh and Jagseer Singh @ Seera were granted bail primarily for the reason that no recovery of heroin had been affected from their person and therefore the case of the petitioner is distinguishable as it was the petitioner who was allegedly found to be in illegal possession of 305 grams of heroin.

In the light of the above, the petitioner does not deserve to be granted regular bail.

Dismissed.

The Trial court is directed to expedite the petitioner's trial.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

January 12, 2023
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No