

109

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-6987-2023 in/and
CRM-M-14645-2022 (O&M)
Date of Decision: 17.02.2023

GURDEV SINGH

.. Applicant/Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. L.S. Sekhon, Advocate for applicant-petitioner.
Ms. Shivani Sharma, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

CRM-6987-2023

The instant application is for pre-poning the date of hearing of the main petition to an early date.

Notice in the application.

At this stage, Ms. Shivani Sharma, DAG, Punjab, accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to today.

CRM-M-14645-2022 (O&M)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.111 dated 07.08.2019 registered under Sections 15, 25 and 29 NDPS Act, 1985 at Police Station Kot Ise Khan, District Moga. The petitioner is in custody since his arrest on 07.08.2019.

As per the prosecution case, on 07.08.2019, when the Police party was on patrol duty, a secret information was received that Gurdev Singh (petitioner), who used to deal in selling of intoxicant substance (poppy husk) would be coming from village Kot Sadar Khan. Acting upon

the same, petitioner was apprehended and upon search, 55 kg of poppy husk was recovered.

Learned counsel for the petitioner has argued that the petitioner is in custody for a long time and co-accused of the petitioner has already been released on bail by this Court vide order dated 13.03.2020. He states that the investigation of the case is complete and charges have been framed on 02.04.2021 and only three prosecution witnesses have been examined out of total fourteen witnesses. He prays for regular bail.

Learned State counsel assisted by ASI Sukhwinder Singh has opposed the prayer on the ground that the recovered contraband falls within the ambit of commercial quantity. She has further produced the custody certificate of the petitioner by way of affidavit of Rajiv Kumar Arora, Superintendent of Central Jail, Faridkot, which indicates that the petitioner is involved in four more cases of similar nature. However, according to her, the charges in this case were framed on 02.04.2021, and eleven prosecution witnesses still remain to be examined.

After hearing the learned counsel for the parties and considering the above background, this Court finds that as per prosecution, the quantity recovered from the petitioner is commercial in nature and apart from it, the petitioner is also involved in four more cases under NDPS Act, therefore, at this stage, this Court does not find it to be a fit case for extending the concession of regular bail to the petitioner.

Petition is dismissed.

17.02.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No