

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-15028-2022

DATE OF DECISION: MARCH 20, 2023

JAGPREET SINGH @ GOLDY

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA.PRESENT: MR. L.S. SEKHON, ADVOCATE FOR THE PETITIONER.
MR. P.S. GREWAL, DAG, PUNJAB.**DEEPAK MANCHANDA, J.(ORAL)**

The petitioner has preferred this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.05 dated 17.1.2021, under Section 15, 25 NDPS Act, Police Station Sadar Raikot, District Ludhiana (Rural).

As per the allegations leveled in the FIR, on 17.1.2021, when ASI Harpreet Singh alongwith other police officials was present at T-Point of village Lohat Baddi with regard to checking of suspicious persons, at around 4.30 p.m. a secret information was received that Jagpreet Singh @ Goldy, Gurpreet Singh @ Bunty and Baljit Singh @ Meeta were indulged in selling poppy husk at large scale. They used to bring poppy husk on cheap rates from outside the State and supply the same in the area of Raikot. It was further informed that on 17.1.2021, Jagrpeet Singh @ Goldy was coming in a private vehicle bearing PB-13-BA-1218, Make Mahindra Pick-up, from village Maholi Khurd via village Rasin for selling poppy husk and

if a naaka is laid, then he can be apprehended with huge quantity of

contraband. On the basis of said information, the present FIR was registered.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present FIR. Learned counsel submits that the co-accused of the petitioner, namely, Gurpreet Singh @ Bunty has already been released by this Court vide order Annexure P-3 and no other case is pending against the petitioner. Learned counsel further submits that the petitioner is behind bars since 25.1.2021 and the charges have been framed on 16.7.2021, but out of total 18 prosecution witnesses, none has been examined so far. Learned counsel prays that the petitioner be released on regular bail during the pendency of the trial.

Learned State counsel has filed custody certificate alongwith status report by way of affidavit of Rachhpal Singh, PPS, DSP, Raikot, District Ludhiana (Rural). The same are taken on record. He, on instructions from ASI Balwinder Singh has opposed the aforesaid prayer on the ground that the petitioner was named in the FIR and recovery was effected from him. However, he does not dispute that petitioner is in custody for the last more than 2 years and has no other antecedents and the charges have been framed, but no prosecution witness has been examined so far and further that the co-accused of the petitioner has already been released on bail.

Considering the above background, the custody of the petitioner and the fact that the charges have been framed, however, no prosecution witness has been examined till date and that the co-accused has

already been released on regular bail, further detention of the petitioner may not be necessary for any useful purpose, as the conclusion of trial would take considerable time.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

March 20, 2023
Gulati

(DEEPAK MANCHANDA)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No