

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-16538-2022 (O&M)
Date of Decision:- 13.1.2023

Gurpreet Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. B.S.Jatana, Advocate, for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks regular bail in a case registered vide FIR No.112 dated 30.04.2019 at Police Station Sardulgar, District Mansa, under Section 22 of NDPS Act.
2. As per the case of the prosecution on 30.04.2019, the Police received secret information to the effect that Gurpreet Singh, Gagu Singh and Ramesh Kumar had stored huge quantity of intoxicating tablets in the house of Gaggi Singh. The information was further to the effect that Jatinder and Vinod Kumar used to supply the said tablets to them. Pursuant to receipt of said information, the raid was conducted at the house of Gaggi Singh and 22,200 tablets of Alprazole containing 2604.14 gms of Alprazolam were recovered. It is further the case of

prosecution that while Ramesh ran away from the spot, the other accused including Jatinder, Vinod, Gurpreet and Gaggu Singh were apprehended at the spot.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that admittedly the recovery had been effected from the house of co-accused Gagu Singh and somehow the police has very cleverly attributed equal amount of contraband to each of the 4 accused who were present in the house. Learned counsel has further submitted that co-accused Gagu Singh from whose house the recovery was effected has already been granted bail by this Court vide order dated 28.3.2022 (Annexure P-2).
4. Opposing the petition, learned State counsel has submitted that since there are specific allegations as regards the conscious possession of contraband by the petitioner, no case for grant of bail is made out. Learned State counsel has further informed that the petitioner stands involved in some cases under Excise Act and stands convicted in one case pertaining to recovery of 15 Kgs of 'Poppy Husk' which was registered in the year 2014. Learned State counsel has however, informed that as on date 4 out of the cited 13 PWs have been examined. It has been informed that the petitioner as on date has been behind bars since the last 3 years, 8 months and 8 days.
5. This Court has considered the rival submissions.
6. Since the petitioner seeks grant of bail mainly on account of long custody, it is apposite to refer to a few judgments of Hon'ble

Supreme Court in this regard wherein Hon’ble Supreme Court has granted the concession of bail solely on ground of long custody:

Case Number	Date of Decision	Title of Case	Period which the accused had undergone when granted bail by Hon’ble Supreme Court.
Criminal Appeal No. 245/2020	07.02.2020	Chitta Biswas @ Subhas Vs. the State of West Bengal	1 year and 7 months
Criminal Appeal No. 668/2020	12.10.2020	Amit Singh Moni Vs. State of Himachal Pradesh	2 years and 7 months
Special Leave to Appeal (Crl.) No. 5769/2022	01.08.2022	Nitish Adhikary @ Bapan Vs. the State of West Bengal	1 year and 7 months
Special Leave to Appeal (Crl.) No. 4173 of 2022	04.08.2022	Shariful Islam @ Sarif Vs. the State of West Bengal	1 year and 6 months
Criminal Appeal No. 1169 of 2022	05.08.2022	Gopal Krishna Patra @ Gopalrusma Vs. Union of India	2 years 1 month and 17 days
Special Leave to Appeal (Crl.) No. 5530-2022	22.08.2022	Mohammad Salman Hanif Shaikh Vs. the State of Gujarat	About 2 years
Criminal Appeal No. 2027-2022	22.11.2022	Karnail Singh Vs. The State of Odisha	1 Year and 8 months
Special Leave to Appeal (Crl.) No. 8653-2022	25.11.2022	Karim Adaldar Vs. The State of West Bengal	10 months

7. Without commenting anything as regards merits of the case, but having regard to the fact that the petitioner has been behind bars for a substantial period of 3 years, 8 months and 8 days and co-accused of petitioner has already been granted bail by this Court and that conclusion of trial is likely to consume time as only 4 out of cited 13

PWs have been examined, the petition is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. It is, however, directed that in case the petitioner is found to be indulging in similar offence again, the prosecution would be at liberty to move an application for cancellation of bail before this Court.

13.1.2023
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No