

CRM-M-16350-2023

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(239) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16350-2023

Date of Decision: 13.04.2023

GURMEET SINGH @ YAKU

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ashok Giri, Advocate
for the petitioner.

Ms. Ramta Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.09 dated 30.01.2022 registered under Section 15 (Sections 25/29 added later on) of NDPS Act, 1985 at Police Station Sadar Moga, District Moga.

2. As per allegations in the FIR, a secret information was received that Sarbit Singh (since granted bail vide order dated 22.04.2022 passed in CRM-M-15750-2022) and Gurmeet Singh @ Yaku (petitioner) were engaged in the business of selling poppy husk by getting from other States. The secret information disclosed that Gurmeet Singh was sitting at the bus stand and waiting for customers. If a raid was conducted, he could be apprehended with a huge quantity of poppy husk. Acting on the said information, a raiding party was organized and Gurmeet Singh was apprehended. During interrogation he disclosed that he along with Sarabjit Singh @ Sarabjeet Singh (since granted bail) used to sell the poppy husk in different cities like

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Kurali, Ludhiana, Jagraon, Moga by getting the same from Rajasthan in a truck No.HP-64B-5713. He used to drive the truck with Sarabjit Singh @ Sarabjeet Singh being the owner of the truck. On the disclosure statement of Gurmeet Singh, 50 bags of poppy husk each weighing 20 kgs were recovered from the first floor of house of Balwinder Singh @ Ghola, who is stated to be the father-in-law of Sarabajit Singh @ Sarabjeet Singh and father of co-accused Gurtej Singh (since granted anticipatory bail vide order dated 15.06.2022 passed in CRM-M-26558-2022).

3. The learned counsel for the petitioner contends that the co-accused Sarabjit Singh @ Sarabjeet Singh have been granted the concession of regular bail by this Court vide order dated 22.04.2022 (Annexure P-1). Gurtej Singh from whose house the recovery was effected has been granted the concession of anticipatory bail vide order dated 15.06.2022 (Annexure P-2). As the petitioner was in custody since 30.01.2022, he was a first-time offender and none of the 23 prosecution witnesses had been examined, he was entitled to the concession of regular bail.

4. On the other hand, the learned State counsel contends that commercial quantity of contraband came to be recovered at the instance of the petitioner and therefore, the bar under Section 37 of the NDPS Act did not entitle the petitioner to the grant of regular bail. He however, does not dispute the fact that co-accused Sarabjit Singh @ Sarabjeet Singh has been granted the concession of regular bail whereas Gurtej Singh from whose house the recovery was allegedly effected at the instance of the petitioner has been granted the concession of anticipatory bail.

5. I have heard the learned counsel for the parties at length.

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6. Admittedly, the petitioner is a first-time offender and in custody since 30.01.2022. None of the 23 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded in the near future. The co-accused of the petitioner namely, Sarabjit Singh @ Sarabjeet Singh has been granted the concession of regular bail whereas Gurtej Singh has been granted the concession of anticipatory bail. In this view of the matter, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Gurmeet Singh @ Yaku son of Harjit Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

13.04.2023

JITESH

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