

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-26924-2023

Date of decision : 18.08.2023

Gagandeep Singh @ Gagan

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Amandeep Singh (Samra), Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.03 dated 06.01.2023 registered for the offences punishable under Sections 22/29/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') at Police Station Barnala, District Barnala.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. As per the allegations levelled in the FIR it has been alleged as under :

“Today I along with Harmegh Singh 825/Barnala, Senior Constable Surjit Singh 491/Barnala, Female Senior Constable Rupinderjit Kaur 865/Barnala, Female Senior Constable Harvinder Kaur 923 / Barnala and PHG Sohan Singh 27047 along with laptop printer was traveling in government vehicle

number PB-08AP.7438, whose driver constable Gurmeet Singh 80/Barnala was present at Yakkakhana Chowk, Handaya in connection with the checking of area patrolling, the time would be around 12:30 P.M. special informer secretly informed that Pammo Kaur wife of Sh. Kesar Singh and Gagandeep Singh alias Gagan son Balveer Singh resident of Killa Patti, Handaya is involved in the business of selling narcotic pills, the same narcotic pills were purchased from Meena Rani wife Rinku Singh resident of Killa Patti, Handaya and sell it further. Earlier also there are many drug cases registered against Rinku Singh husband of Meena Rani. Even today, Pammo Kaur and Gagandeep singh @ Gagan is selling to the customers who come and go by sitting under the Peepal tree near their houses. If now raids are conducted on the trunk built under the Peepal tree, near their houses, they can be caught red-handed with a large quantity of intoxicating pills. Due to the fact that information is true and trustworthy, keeping these drugs with them and selling them further fulfills the criteria of offences under section 22, 29/ 61/ 85 of NDPS Act. Therefore, a rug has been sent through PHG, Sohan Lal to PS Barnala for registration of the FIR against Pammo Kaur, Gagandeep Singh @ Gagan & Meena Rani. Control room Barnala shall be informed.”

4. Counsel for the petitioner submits that the alleged recovery from the petitioner is of non-commercial quantity and thus the same would not attract the contours of Section 37 of the NDPS Act. Challan has been presented and most of the witnesses being official there can't be any apprehension w.r.t. the petitioner influencing the investigation or tampering with the evidence. It has been further claimed that the petitioner has no other criminal antecedents. Counsel further relies upon the order dated

06.07.2023 passed by this Court in CRM-M-27732-2023 whereby co-accused namely Pammo Kaur stands admitted to bail.

5. State Counsel does not dispute the aforesaid factual assertions based on record.

6. I have heard counsel for the parties and have gone through records of the case.

7. In view of above, without commenting on the merits of the case and keeping in view the incarceration already suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. However in order to ensure that the petitioner does not repeat the misadventure of abusing the concession of bail, he shall be bound by the following conditions in addition to the conditions that may be imposed by the Trial Court :

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence similar to the one alleged in the present case.
- (v) The petitioner shall deposit his passport, if any with the trial Court.
- (vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.

(vii) The petitioner shall not in any manner try to delay the trial.

9. In case of breach of any of the aforesaid conditions and those which may be imposed by the Trial Court, the prosecution shall be at liberty to move cancellation of bail of the petitioner.

10. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

August 18, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No