

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.29085 of 2023 (O&M)
DATE OF DECISION: 17th NOVEMBER, 2023

Gurjashanpreet Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

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RAJBIR SEHRAWAT, J. (Oral)

1. The present second petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.31 dated 17.04.2021 registered under Sections 21, 22 and 29 of NDPS Act, 1985 and Sections 392, 395, 384 IPC and Section 25 of Arms Act (Sections 465, 467 and 471 IPC added later on) at Police Station Sadar Kurali, District SAS Nagar (Mohali), Punjab.

2. Custody certificate of the petitioner filed by learned State counsel is taken on record.

3. It is submitted by learned counsel for the petitioner that the case against the petitioner is concocted. The petitioner is not involved in the crime as alleged against him. Even as per the story of the prosecution, the petitioner was, allegedly, travelling in a car, owned by the co-

accused, namely, Karanbir Singh @ Kala. The alleged recovery of 260 grams of heroin was effected from under-neath the seat of said co-accused. Even the alleged weapon was recovered from the said co-accused only. Therefore, the petitioner is not connected with either of the recoveries, as such. Beyond that, there is no other material with the police to connect the petitioner to either anyone of the co-accused or to the material recovered from anyone of the co-accused. Although, there has been three more cases against the petitioner, however, in those also; there was no recovery from the petitioner and, therefore, he has been granted bail in two cases. The bail petition in the third case is pending before Division Bench of this Court. Besides these cases, there is no involvement of the petitioner in any criminal activities. In any case, the petitioner has been in custody since 04.05.2021 and out of 42 prosecution witnesses, no witness has been examined, so far. Therefore, the petitioner deserves to be released on bail pending trial. Learned counsel has relied upon the judgments rendered by Hon'ble the Supreme Court in the cases of *Nitish Adhikary @ Bapan Versus The State of West Bengal, vide order dated 01.08.2022 passed in SLP (Criminal) No.5769-2022; Mohd. Muslim @ Hussain Versus State (NCT of Delhi), 2023 AIR (Supreme Court) 1648 and Md. Hasanuzzaman and others Versus The State of West Bengal and others, SLP (Crl.) No.3221 of 2023, vide order dated 04.05.2023*, to buttress his arguments.

4. On the other hand, learned State counsel, being instructed by ASI Rajinder Singh, has submitted that the first bail application of the petitioner was dismissed by a co-ordinate Bench of this Court. Otherwise also, the petitioner is a hardcore criminal involved in criminal activities

6. In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

No

No