

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(225-1)

CRM-M-32266-2023
Date of decision:- 21.11.2023

Major Singh

... Petitioner

Versus

State of Punjab

... Respondent

(225-2)

CRM-M-36484-2023

Daljit Singh

... Petitioner

Versus

State of Punjab

... Respondent

(232)

CRM-M-55029-2023

Jagdeep Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Raj Kumar Arya, Advocate
for the petitioner in CRM-M-32266-2023

Mr. Amit Gupta, Advocate
for the petitioner in CRM-M-36484-2023

Mr. Manoj R Sharma, Advocate
for the petitioner in CRM-M-55029-2023

Mr. A.P.S.Tung, DAG, Punjab
for State-respondent.

SUVIR SEHGAL, J. (ORAL)

1. This order shall dispose of three cases bearing Nos. **CRM-M-32266-2023** titled as **“Major Singh Vesrus State of Punjab”**, **CRM-M-36484-2023** titled as **“Daljit Singh Versus State of Punjab”** and **CRM-M-55029-2023** titled as **“Jagdeep Singh Versus State of Punjab”**, as all the

three petitioners have been named as accused in the same FIR and they have approached this Court by way of separate petitions seeking grant of post-arrest bail under Section 439 of the Code of Criminal Procedure, 1973 in:-

FIR No.	Dated	Police Station	Sections
0050	10.05.2023	Sadar Gurdaspur, District Gurdaspur	18 and 27(a) of the NDPS Act

2. For the sake of convenience, facts are being taken from CRM-M-32266-2023.
3. Case of the prosecution is that FIR, Annexure P-1, has been registered when during checking, a motorcycle with two young riders was intercepted on suspicion. Although, the motorcyclist tried to flee from the spot, but the driver and pillion rider were apprehended. The driver disclosed his name as Major Singh (petitioner in CRM-M-32266-2023) and the pillion rider identified himself as Jagdeep Singh (petitioner in CRM-M-55029-2023). Recovery of 600 grams of opium and drug money of Rs.15,000/- was effected from Jagdeep Singh.
4. Counsel representing the petitioners urges that the alleged recovery effected from one of the accused is non-commercial and as the investigation has been completed and challan has been presented, they deserve to be released on bail. It has been asserted that all the three petitioners, who are young-men with clean antecedents, have been falsely implicated and there is a gross violation of the mandatory provisions of the NDPS Act at the time of their search and seizure.
5. Opposing the petition, State counsel, upon instructions from ASI, Sohan Lal, submits that on a disclosure statement recorded by Jagdeep

Singh, Daljit Singh (petitioner in CRM-M-36484-2023) was apprehended as it has been stated that 100 grams opium was sold to him and recovery of 20 grams of opium was effected from him. State counsel could not dispute that charges against the petitioners have been framed under Section 18(b), 18(a), 27-A and 29 of the NDPS Act and the trial is fixed in January, 2024 for leading evidence by the prosecution. He has filed Custody Certificates dated 20.11.2023, which are taken on record.

6. Having heard counsel for the parties, this Court is prime facie of the view that the petitioners deserve to be enlarged on bail. The petitioners have a clean past and as the recovery effected from them falls in the intermediate quantity as per notification issued under the NDPS Act, bar under Section 37 of the Act does not apply. Noticing their respective age, length of custody and the nascent stage of the trial, the prayer made in the petitions deserves to be acceded to.

7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petitions are allowed. All the three petitioners are ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

8. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

21.11.2023

(SUVIR SEHGAL)

Kamal

JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No