

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

226

CRM-M-33762-2023 (O&M)

Date of Decision:20.07.2023

Gagandeep Singh @ Gagan

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Manoj R. Sharma, Advocate for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

HARSIMRAN SINGH SETHI J.(Oral)

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No.34 dated 13.04.2023, registered under Section 21 and 27-A of NDPS Act, registered at Police Station Tibber, District Gurdaspur.

2. Learned counsel for the petitioner submits that recovery of contraband i.e.05 grams of heroin, was recovered from the co-accused Satnam Singh @ Jyoti and only a sum of Rs.35,000/- was recovered from the petitioner, hence, once no contraband was recovered from the petitioner and the amount of Rs.35,000/- which was recovered and is being alleged to be a drug money, is yet to be proved during the trial. Learned counsel for the petitioner further submits that the petitioner is not involved in any other case under NDPS Act, hence he may kindly be extended the concession of regular bail.

3. Learned State counsel on the other hand submits that once a sum of Rs.35,000/- has been recovered from the petitioner, the same is tainted money

and obtained by selling the drugs but concedes the factum that there is no other case being faced by the petitioner under NDPS Act.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5.. Keeping in view the facts and circumstances of the present case that no contraband has been recovered from the petitioner and the factum that an amount of Rs.35,000/ recovered from the petitioner is a tainted money is yet to be proved on the basis of evidence which will come on record during the trial and the petitioner is behind the bars for the last three months coupled with the fact that trial is likely to take time before its conclude, no justifiable purpose will be achieved by keeping the petitioner during the entire period of trial especially when learned counsel for the petitioner has undertaken before this Court that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded, in any manner.

6. In case of default of the above undertaking, the State will be at liberty approach this Court for passing appropriate orders.

7. Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail in case he is not required to be kept behind the bars in any other case subject to the satisfaction of trial Court/Duty Magistrate concerned.

8. However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case..

(HARSIMRAN SINGH SETHI)
JUDGE

20.07.2023

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