

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

CRM-M-36380-2023

Date of Decision:02.11.2023

Gurpreet Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Shakti Mehta, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 15 dated 06.12.2017 under Sections 21,18,25 and 29 (added later on) of the NDPS Act,1985 registered at Police Station STF Phase-IV, District Mohali, Annexure P-1.
2. As per the case of the prosecution, a naka was set up and Gurpreet Singh, the present petitioner along with Sweety, co-accused were apprehended by the police. Gurpreet Singh, petitioner/accused was found in possession of 75 grams of heroin and 270 grams of heroin was recovered from the possession of Sweety, co-accused respectively. Later on , another 20 grams of heroin was recovered from Sweety, co-accused on 10.12.2017, which was kept by her in car. Another 116.17 grams of opium was recovered from the locker of Sweety.
3. Learned counsel for the petitioner submits that as per the case of the prosecution, 75 grams of heroin was recovered from the present petitioner,

which falls within the ambit of “non-commercial quantity”. Earlier also, the petitioner was granted the concession of bail on 17.01.2018, but the petitioner himself absented later on and was re-arrested on 11.06.2023. Learned counsel further contends that now the petitioner is in custody for the last more than six months. He next contends that similarly placed co-accused Sweety and Simran Kaur @ Indu have already been granted the concession of bail by this Court.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner is a part of gang, which was indulging in selling the narcotics in Punjab State. As per learned State counsel, the petitioner was declared as a proclaimed offender on 30.03.2022. Apart from that, two more cases have already been registered against the present petitioner.

5. I have heard the learned counsel for the parties and with their able assistance, I have gone through the Court record carefully.

6. From the record, it is evident that the petitioner is in custody for the last six months and similarly placed co-accused have already been admitted to bail. In the present case, learned State counsel has submitted that the petitioner may abscond in future as well, however, in such a case, stringent conditions can be imposed on the petitioner while granting the concession of bail. Since, similarly placed co-accused have already been granted the concession of bail and the quantity of contraband recovered from the present petitioner falls within the ambit of “non-commercial quantity”.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his

furnishing bail bonds and surety to the satisfaction of the concerned trial Court/
Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner gets involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties

and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

(viii) The petitioner shall report every 1st Monday of English calendar month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha.

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

02.11.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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