

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

109+224

2023:PHHC:161270

CRM-50692-2023 in/and

CRM-M-47982-2023 (O&M)

Date of decision: December 15th, 2023

Gursahib Singh @ Sabba

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rajiv Kumar Saini, Advocate
for the applicant-petitioner.

Mr. Jaiteshwar S. Bhandari, Assistant Advocate General,
Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-50692-2023

In the light of the fact that the main case is listed for today,
the present application has been rendered infructuous.

Disposed of accordingly.

CRM-M-47982-2023

Petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.115 dated 23.05.2023 under Sections 21, 25, 27-A, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 25 of the Arms Act, 1959, registered at Police Station Jandiala, Amritsar Rural.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Gurjit Singh, from whom a recovery of 275 grams of heroin was effected. He submits that after the challan was presented on 16.11.2023, charges had not yet been framed. Hence, there is no likelihood of the trial concluding in the

near future. Learned counsel has further submitted that the petitioner has clean antecedents as he is not involved in any other criminal case much less under the NDPS Act.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Durlabh Darshan, has submitted that no doubt the petitioner’s name surfaced in a disclosure statement allegedly suffered by co-accused, however, when the petitioner was nabbed by the police, a recovery of 275 grams of heroin (commercial quantity) was effected from him. It has also been submitted that a recovery of 100 grams of heroin was effected from co-accused, on whose disclosure statement, petitioner came to be nominated as an accused.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner in view of the specific role attributed to him as well as the heavy recovery of heroin effected, which falls under commercial quantity.

6. The instant petition as well application for interim bail stands dismissed.

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

December 15th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

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