

2023:PHHC:129694

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222

CRM M-49572 of 2023
Date of Decision: 06.10.2023

Gurpreet Singh @ Goldy

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Bhupinder Ghai, for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.573 dated 16.08.2023 registered under Sections 18, 27-A, 29-61-85 of NDPS Act 1985 at Police Station Sadar Thanesar, District Kurukshetra, Haryana.

2. As per the of the prosecution, at about 06 p.m., on 16.08.2023, police team headed by Mandeep Singh, Inspector was present in the Pipli Kurukshetra bridge in search of suspected persons and received a secret information that the truck driver of the vehicle bearing registration No. PB-11-CN-625 was carrying the contraband. On getting the information, the barricade was set up on the highway and at about 6.25 p.m., a truck was seen coming from the side of

Karnal. The truck was stopped and the name and address of the driver was disclosed as Yashpal son of Ammi Chand, resident of House No. 1068, Jagdeesh Colony, Ward No. 4, Old Rajpura, District Patiala, Punjab. After following the due process, the recovery of 20 kgs and 800 gms of opium was effected from Yashpal, truck driver.

3. Learned counsel for the petitioner contends that similar allegations were levelled against co-accused Jujhar Singh, who has been granted the concession of bail by this Court in CRM M-45334 of 2023 vide order dated 21.09.2023 (Annexure P-2). Learned counsel further contends that except the disclosure statement suffered by the co-accused Yashpal, there is no other evidence against the petitioner. He further contends that the petitioner was arrested in the present case on 18.08.2023 and no recovery was effected from him. Learned counsel further contends that the petitioner is the first offender and was never involved in any other criminal activity.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the recovery of the contraband from the co-accused was commercial in nature and the petitioner had financed the co-accused of the present case.

5. I have heard learned counsel for the parties and perused the record.

6. It is not in dispute that co-accused Jujhar Singh, against whom, similar allegations had been levelled in the present case has already been granted the concession of bail by this Court vide order dated 21.09.2023 (Annexure P-2). Even no recovery was effected from the present petitioner and he was never involved in any other criminal activity.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

06.10.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

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