

284

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57922-2023
Date of decision: 21.11.2023

GURVISHAL SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Sukhbir Maandi, Advocate
for the petitioner.

Mr. Harsimar Singh Sitta, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 Cr.P.C. read with Section 482 Cr.P.C. for the grant of interim bail to the petitioner in FIR No.210 dated 18.07.2023, under Sections 21(c) and 29 of the NDPS Act, registered at Police Station Special Task Force, District SAS Nagar, Punjab on the ground that the petitioner is to appear for two papers of Bachelor of Computer Applications (BCA) of 5th Semester, which are scheduled to be held on 23.11.2023 and 30.11.2023, respectively.

2. Learned counsel for the petitioner submitted that the name of the petitioner has been stated in the memo of parties as Gurvishal Singh son of Harpinder Singh, which may be substituted and read as Gurvishal Singh alias Vishal Singh son of Harpinder Singh.

3. The prayer of the petitioner appears to be fair and reasonable and it is therefore directed that in the memo of parties, the name of the petitioner shall be substituted and read as Gurvishal Singh alias Vishal Singh.

4. Learned counsel for the petitioner submitted that although the case is still at the investigation stage but the petitioner is already in the 5th Semester and he has to complete his Bachelor of Computer Applications (BCA) course. He further submitted that the petitioner has clean antecedents and he is not involved in any other case and the present case was planted upon the petitioner. He also submitted that as per the allegations, the petitioner along with other co-accused was apprehended and recovery of 260 grams of *heroin* was effected from the petitioner and in total, 800 grams of *heroin* was effected from all the four accused including the petitioner. He also submitted that the FIR was lodged due to political rivalry and in case interim bail is not granted to the petitioner for appearing in the examinations of Bachelor of Computer Applications (BCA) of 5th Semester, then it will seriously prejudice his career.

5. On the other hand, Mr. Harsimar Singh Sitta, DAG, Punjab, on instruction from ASI Litesh Rai (STF Jalandhar), who is also present in Court, submitted that so far as the aforesaid examinations of Bachelor of Computer Applications (BCA) of 5th Semester, which are scheduled to be held on 23.11.2023 and 30.11.2023, respectively are concerned, the same has been verified that the petitioner is to appear for the aforesaid examinations on the aforesaid dates. He further submitted that however, the petitioner also has an option to appear next year as well. He also submitted that so far as the antecedents of the petitioner are concerned, the same has been verified that he is not involved in any other case.

6. I have heard the learned counsel for the parties.

7. The only prayer in the present petition is for grant of interim bail to the petitioner so as to enable him to take his examinations of Bachelor of Computer Applications (BCA) of 5th Semester, which are scheduled to be held on 23.11.2023 and 30.11.2023, respectively. The aforesaid examinations and the fact that the petitioner is to appear has been verified by the learned State counsel. Therefore, this Court is of the view that mere fact that the case is still at the investigation stage and the recovery from the petitioner was 260 grams of *heroin* cannot come into the way of the petitioner, who is to appear for two papers of Bachelor of Computer Applications (BCA) of 5th Semester especially in view of the fact that the petitioner is stated to be not involved in any other case and has clean antecedents.

8. In view of the aforesaid facts and circumstances of the present case, the present petition is allowed. It is directed that the petitioner shall be released on interim bail for a period of two weeks with effect from today, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

9. It is made clear that on the expiry of aforesaid two weeks, the petitioner shall immediately surrender before the jail authorities.

(JASGURPREET SINGH PURI)
JUDGE

21.11.2023
Chetan Thakur

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