



CRM-M-2708-2024 and
CRM-37957-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(292)

Date of Decision : 29.10.2024

1. CRM-M-2708-2024

Fatehjeet Singh ...Petitioner

Versus

State of Haryana ...Respondent

2. CRM-M-37957-2024

Gurpreet Singh @ Gagan ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON’BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Manvinder Sidhu, Advocate and
Mr. Shiv Kumar Sharma, Advocate
for the petitioner(s) in both the cases.

Mr. R.K. Singla, DAG, Haryana.

KULDEEP TIWARI, J.(Oral)

1. Both the instant petitions are amenable to be decided together, as the common relief of regular bail has been sought, in case FIR No.0283, dated 11.05.2023, under Section 15(c), 29, 61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Mandi Dabwali, District Sirsa, therefore, both the instant petitions are taken up together for adjudication.



**CRM-M-2708-2024 and
CRM-37957-2024**

FACTS OF THE CASE

2. The instant case is a chance of recovery. The relevant extract of the FIR (supra), reads as under :-

To, Station House Officer, Police station City Dabwali, Jai Hind. Today myself ASI alongwith Head Constable Kuldeep Kumar No. 1331/Sirsa, EHC Bhupinder Singh NO. 703/Sirsa, HGH Ajay Kumar No. 2281, HGH Iqbal Singh No. 2249, on government vehicle bearing No. HR-24GV-3606, whose driver is Constable Sukha No. 1460/Sirsa alongwith their persons, laptop and printer, were on patrolling and in search of smugglers from village Deshujodha towards village Jogewala, while conducting checking of the vehicles, were on patrolling and have checked 8/10 vehicles on the way. In the meantime, truck has been seen coming from the sides of Joge Wala towards Deshu Jodha. Upon seeing police party, he suddenly stopped the truck at some distance from police party, truck driver and his helper immediately came down and tried to run away. Upon having doubt of committing offence, myself alongwith accompanied officials nabbed them before they tried to ran away and coming down from the truck. Both the driver and his helper became nervous. Upon this myself asked about the reason of their nervousness as well as their name and address. But both the persons did not gave any satisfactory reply with regard to their nervousness and conducted he checking of truck. A white coloured TATA 3118C truck bearing No. HR47B6281 having 12 tyres was found and bags of onion were loaded in the truck. Thereafter, driver of the truck disclosed his name as Gurpreet @ Gagan S/O Jagraj Singh R/O Village Deshujodha Police station City Dabwali, District Sirsa and help disclosed his name as Fatehjeet S/O Bharpur Singh R/O Village Deshujodha Police station City Dabhwali District Sirsa, which is on the scheduled road. Myself informed 4/5 passer-by about the facts of the case and tried to join them in the investigation of the case. Everyone showed their inability and departed without informing their name and address. Upon having doubt of having intoxicant substance in the possession of driver of the truck namely Gurpreet @ Gagan S/O Jagraj Singh R/O Village Deshujodha Police station City Dabwali, District Sirsa and a white coloured TATA 3118C truck bearing No. HR4786281, notice U/S 50 of



**CRM-M-2708-2024 and
CRM-37957-2024**

3

NDPS Act was given separately that; myself Assistant Sub Inspector Suresh Kumar No. 127/Sirsa Crime Branch Dabwali is hereby informing you through this notice that myself have doubt that you have some intoxicant substance in your possession or in your white coloured TATA 3118C truck bearing No. HR47B6281. Therefore, your search as well as of your truck make TATA 3118 bearing No. HR47 B 6281 is to be conducted. But you have legal right to get conducted your search as well as of your white coloured truck make TATA 3118 bearing No. HR47 B 6281 from any nearby Magistrate or Gazetted Officer. Magistrate or Gazetted Officer can be called to the spot or either you alongwith your truck make TATA 3118 bearing No. HR47 B 6281 can be presented before them with regard to conduct your search. You may kindly give your reply to get conduct your search as well as your white coloured truck make TATA 3118 bearing No. HR47 B 6281. Upon this notice U/S 50 of NDPS Act has been prepared and printout was taken from the printer. Memo has been signed by the accused Gurpreet @ Gagan as well as by the witnesses. Above said accused truck driver Gurpreet @ Gagan read over and understood the notice and recorded in his reply to the notice that, I Gurpreet @ Gagan S/O Jagraj Singh R/O Village Deshujodha Police station City Dabwali District Sirsa. I have read over and understood the notice given by you i.e. ASI Suresh Kumar No. 127/Sirsa crime branch Dabwali. I want to get conducted my search as well as of my truck make TATA 3118 bearing No. HR47 B 6281 with regard to the intoxicant substance, in the presence of Gazetted Officer. Gazetted Officer be called to the spot. Reply to notice U/S 50 of NDPS Act has been prepared and printout was taken. Above said accused Gurpreet @ Gagan as well as witnesses placed their signatures on the same. Subsequently, upon having doubt of having intoxicant substance in the possession of helper of white coloured TATA 3118C truck bearing No. HR4786281 namely Fatehjeet S/O Bharpur Singh R/O Village Deshujodha Police station City Dabhwali District Sirsa and a white coloured TATA 3118C truck bearing No. HR4786281, notice U/S 50 of NDPS Act was given separately that; myself Assistant Sub Inspector Suresh Kumar No. 127/Sirsa Crime Branch Dabwali is hereby informing you through this notice that myself have doubt that you have some intoxicant substance in your possession or in your white coloured TATA 3118C truck



**CRM-M-2708-2024 and
CRM-37957-2024**

bearing No. HR4786281. Therefore, your search as well as of your truck make TATA 3118 bearing No. HR47 B 6281 is to be conducted. But you have legal right to get conducted your search as well as of your white coloured truck make TATA 3118 bearing No. HR47 B 6281 from any nearby Magistrate or Gazetted Officer. Magistrate or Gazetted Officer can be called to the spot or either you alongwith your truck make TATA 3118 bearing No. HR47 B 6281 can be presented before them with regard to conduct your search. You may kindly give your reply to get conduct your search as well as your white coloured truck make TATA 3118 bearing No. HR47 B 6281. Upon this notice U/S 50 of NDPS Act has been prepared and printout was taken from the printer. Memo has been signed by the accused Fatehjeet as well as by the witnesses. Above said accused helper of truck namely Fatehjeet read over and understood the notice and recorded in his reply to the notice that, I Fatehjeet S/O Bharpur Singh R/O Village Deshujodha Police station City Dabhwali District Sirsa. I have read over and understood the notice given by you i.e. ASI Suresh Kumar No. 127/Sirsa crime branch Dabwali. I want to get conducted my search as well as of my white coloured truck make TATA 3118 bearing No. HR47 B 6281 with regard to the intoxicant substance, in the presence of Gazetted Officer. Gazetted Officer be called to the spot. Reply to notice U/S 50 of NDPS Act has been prepared and printout was taken. Above said accused Gurpreet @ Gagan as well as witnesses placed their signatures on the same. Then at about 08:00 AM, myself made phone call to Sh. Jai Krishan AEE HVPNL Dabhwali on his mobile No. 93153-15632 appointed as Gazetted Officer by Deputy Commissioner, Sirsa from my personal Mobile No. 94663-75571 and informed him about the present facts of the case and requested him to come to the spot. After waiting for sometime, at about 08:30 AM, Gazetted Officer Sh. Jai Krishan AEE HVPNL Dabhwali came present to the spot on private vehicle. Myself presented notice and reply to the notice and nabbed accused Gurpreet @ Gagan and Fatehjeet and one white coloured truck make TATA 3118 bearing No. HR47 B 6281 before Gazetted Officer Sh. Jai Krishan AEE HVPNL Dabhwali. Gazetted Officer Sh. Jai Krishan AEE HVPNL Dabhwali perused the notices and reply to the notices U/S 50 of NDPS Act. Thereafter he introduced himself to the above said nabbed accused Gurpreet @ Gagan and Fatehjeet. After enquiry, he

**CRM-M-2708-2024 and
CRM-37957-2024****5**

conducted my search in accordance with law and did not left any article with me and give direction to conduct search of above said accused Gurpreet @ Gagan and Fatehjeet as well as of white coloured truck make TATA 3118 bearing No. HR47 B 6281. As per the directions of Gazetted Officer Sh. Jai Krishan AEE HVPNL Dabhwali, firstly search of accused Gurpreet @ Gagan has been conducted. Nothing has been recovered from the clothes worn by the above said accused Gurpreet @ Gagan. Thereafter, search of the clothes worn by above said accused Fatehjeet. But nothing has been recovered from the clothes worn by accused Fatehjeet Singh. Thereafter myself conducted the search of the cabin of white coloured truck make TATA 3118 bearing No. HR47 B 6281 lying in the possession of above said accused Gurpreet @ Gagan and Fatehjeet. But no intoxicant substance has been recovered from the cabin. Myself alongwith the help of accompanied officials unloaded the bags of onion from the white coloured truck make TATA 3118 bearing No. HR47 B 6281. Total 456 bags of onions have been recovered. 6 black colour plastic bags have been recovered from the front side of the cabin, underneath the bags of onion. Turn by turn I have opened the bags recovered poppy husk from the each plastic bag. Myself weighed the plastic bag on the electronic weighing machine. Each plastic bag weighing 15/15 KG of poppy husk have been recovered. Total 90 Kg of poppy husk has been recovered. Myself prepared the parcels of recovered black plastic bags containing poppy husk have been separately prepared and sealed the same with stamp SK/3. Sample seals have been separately prepared. Gazetted Officer Sh. Jai Krishan AEE HVPNL Dabhwali sealed each plastic bag of poppy husk with seal bearing MS/1 and attested the parcels of bag containing poppy husk and sample stamp has been separately prepared. Recovered plastic bag containing poppy husk has been marked from Mark 1 to Mark 6. Myself took all the recovered parcels of black plastic bags containing poppy husk sealed with stamp bearing SK/3, MS/1 marked from Mark 1 to mark 6 alongwith special seal and white coloured truck make TATA 3118 bearing No. HR47 B 6281 alongwith Total 456 bags of onions into police custody as evidence through seizure memo. Seizure memo has been signed by the above said accused Gurpreet @ Gagan and Fatehjeet as well as witnesses. Seizure memo has been attested by Gazetted Officer Sh. Jai Krishan AEE HVPNL



**CRM-M-2708-2024 and
CRM-37957-2024**

Dabhwali. After use, myself handed over the stamp and sample stamp to HC Kuldeep Kumar No. 1331/Sirsa. Gazetted Officer Sh. Jai Krishan AEE HVPNL Dabwali kept his stamp with himself after use. On enquiry conducted by me, accused Gurpreet @ Gagan and Fatehjeet jointly told that they had purchased the recovered poppy husk from Vikas S/O Bilasiram R/O Village Sagarram District Mandisor. Offence U/S 15C/61/85 of NDPS Act have been found committed by above said accused Gurpreet Singh @ Gagan and Fatehjeet by keeping 90 Kg of poppy husk in white coloured truck make TATA 3118 bearing No. HR47 B 6281 and Vikas S/O Bilasiram R/O Village Sagarram District Mandisor Madhya Pradesh. Writing has been prepared and has been sent to police station through EHC Bhupinder Singh No. 703/Sirsa. FIR be registered and number of FIR be informed. Investigation officer be sent to the spot for further investigation. Myself ASI alongwith accompanied officials and accused Gurpreet @ Gagan and Fatehjeet and case recovery is present ay the place of occurrence. Sd/- ASI Suresh Kumar NO. 127/Sirsa Crime Branch Dabwali District Sirsa. Dated 11.05.2023. At about 01:15 PM. From Village Deshujoda to Jogewala Road. In the area of village Deshujoda. From Police station: Upon receipt of writing in the police station through EHC Bhupender Singh No. 703, FIR No. 283 dated 11.05.2023 has been registered U/S 15C/61/85 of NDPS Act at Police station City Dabhwali. Copy of case file alongwith original writing is being sent to the spot same investigation officer through same EHC. Copy of first information report will be sent to Duty Magistrate and Senior Officers through post. PSI Vikas I/C PP Desujodha is being informed to reach to the spot at the place of occurrence for further investigation in the case.”

3. The petitioner Gurpreet Singh @ Gagan was alleged to be the driver of the truck, whereas, the petitioner Fatehjeet Singh, is alleged to be working as a helper on that truck. In this case, the total recovery effected from the offending truck is 90 kg. of Doda Post. As per the FSL report, the samples were found to be of Papaver Somniferum L., therefore, it is a positive test for Poppy straw (choorapost).



**CRM-M-2708-2024 and
CRM-37957-2024**

SUBMISSIONS OF LEARNED COUNSEL FOR THE PETITIONERS

4. Learned senior counsel assisted by Mr. Manvinder Sidhu, Advocate, submits that the alleged recovery is in fact, is a result of false implication. He further submits that the statutory compliance of Section 50 of the NDPS Act, has not been made, in the instant FIR. He also submits that though the alleged recovery effected from the present petitioner(s), does fall in the ambit of commercial quantity, however, considering the fact that the petitioner(s) have suffered incarceration of more than 01 year and 05 months, as on today, and till date, there is no progress in the trial, the petitioner(s) deserve the relief asked for.

SUBMISSIONS OF THE LEARNED STATE COUNSEL

5. On the other hand, learned State counsel, has opposed the grant of regular bail to the petitioner(s), on the ground that since the recovery effected in the instant FIR, falls under the ambit of commercial quantity, therefore, the bar under Section 37 of the NDPS Act, operates and it is the petitioner(s), who has to discharge the onus, while establishing *prima facie* that no case is made out against the petitioner(s).

6. Learned State counsel has also placed on record the custody certificates dated 28.10.2024, qua the petitioner(s), in both the cases, in the Court today, the same are taken on record. The custody certificate reflects that the petitioner(s) has undergone more than 01 year and 05 months in custody, as on today.

ANALYSIS

7. Before embarking upon the process of evaluating the arguments addressed by the learned counsels for the parties and penning down any



**CRM-M-2708-2024 and
CRM-37957-2024**

opinion upon the instant petition, it is deemed imperative to capture an overview of some significant legal propositions.

8. *“Bail is the Rule and Jail is an Exception”*. This basic principle of criminal jurisprudence was laid down by the Hon’ble Supreme Court, way back in 1978, in its landmark judgment titled ***“State of Rajasthan V. Balchand alias Baliay”***, 1977 AIR 2447, 1978 SCR (1) 535. This principle finds its roots in one of the most distinguished fundamental rights, as enshrined in Article 21 of the Constitution of India. Though the underlying objective behind detention of a person is to ensure easy availability of an accused for trial, without any inconvenience, however, in case the presence of an accused can be secured otherwise, then detention is not compulsory.

9. The right to a speedy trial is one of the rights of a detained person. However, while deciding application for regular bail, the Courts shall also take into consideration the fundamental precept of criminal jurisprudence, which is “the presumption of innocence”, besides the gravity of offence(s) involved.

10. In ***“Gurbaksh Singh Sibbia v. State of Punjab”***, (1980) 2 SCC 565 at 586-588, the purpose of granting bail is set out by the Hon’ble Supreme Court with great felicity as follows:-

“27. It is not necessary to refer to decisions which deal with the right to ordinary bail because that right does not furnish an exact parallel to the right to anticipatory bail. It is, however, interesting that as long back as in 1924 it was held by the High Court of Calcutta in Nagendra v. King Emperor, AIR 1924 Calcutta 476 (479, 480) that the object of bail is to secure the attendance of the accused at the trial, that the proper test to be applied in the solution of the question whether bail should be granted or refused



**CRM-M-2708-2024 and
CRM-37957-2024**

is whether it is probable that the party will appear to take his trial and that it is indisputable that bail is not to be withheld as a punishment. In two other cases which, significantly, are the 'Meerut Conspiracy' cases observations are to be found regarding the right to bail which deserve a special mention. In K.N. Joglekar v. Emperor, AIR 1931 Allahabad 504 (SB) it was observed, while dealing with Section 498 which corresponds to the present Section 439 of the Code, that it conferred upon the Sessions Judge or the High Court wide powers to grant bail which were not handicapped by the restrictions in the preceding Section 497 which corresponds to the present Section 437. It was observed by the Court that there was no hard and fast rule and no inflexible principle governing the exercise of the discretion conferred by Section 498 and that the only principle which was established was that the discretion should be exercised judiciously. In Emperor v. H.L. Hutchinson, AIR 1931 Allahabad 356 at p. 358 it was said that it was very unwise to make an attempt to lay down any particular rules which bind the High Court, having regard to the fact that the legislature itself left the discretion of the Court unfettered. According to the High Court, the variety of cases that may arise from time to time cannot be safely classified and it is dangerous to make an attempt to classify the cases and to say that in particular classes a bail may be granted but not in other classes. It was observed that the principle to be deduced from the various sections in the Criminal Procedure Code was that grant of bail is the rule and refusal is the exception. An accused person who enjoys freedom is in a much better position to look after his case and to properly defend himself than if he were in custody. As a presumably innocent person he is therefore entitled to freedom and every opportunity to look after his own case. A presumably



innocent person must have his freedom to enable him to establish his innocence.

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29. In Gurcharan Singh v. State (Delhi Admn.) (1978) 1 SCC 118 it was observed by Goswami, J., who spoke for the Court, that "there cannot be an inexorable formula in the matter of granting bail. The facts and circumstances of each case will govern the exercise of judicial discretion in granting or cancelling bail".

30. In American Jurisprudence (2d, Vol. 8, page 806, para 39) it is stated :

"Where the granting of bail lies within the discretion of the court, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the detention or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the court, the primary inquiry is whether a recognizance or bond would effect that end."

It is thus clear that the question whether to grant bail or not depends for its answer upon a variety of circumstances, the cumulative effect of which must enter into the judicial verdict. Any one single circumstance cannot be treated as of universal validity or as necessarily justifying the grant or refusal of bail."

11. Also, in ***"Gudikanti Narasimhulu and others Versus Public Prosecutor, High Court of Andhra Pradesh"***, 1978 AIR (Supreme Court) 429, the Hon'ble Supreme Court, speaking through Krishna Iyer, J., has enunciated the principles of bail thus :

"9. Thus the legal principle and practice validate the court considering the likelihood of the applicant interfering with witnesses for the prosecution or otherwise polluting the process of justice. It is not only traditional but rational, in



this context, to enquire into the antecedents of a man who is applying for bail to find whether he has a bad record-particularly a record which suggests that he is likely to commit serious offences while on bail. In regard to habitual, it is part of criminological history that a thoughtless bail order has enabled the bailee to exploit the opportunity to inflict further crimes on the member of society. Bail discretion, on the basis of evidence about the criminal record of a defendant, is therefore not an exercise in irrelevance.

10. The significance and sweep of Article 21 make the deprivation of liberty a matter of grave concern and permissible only when the law authorising it is reasonable, even-handed and geared to the goals of community good and State necessity spelt out in Article 19. Indeed, the considerations I have set out as criteria are germane to the constitutional proposition I have deduced. Reasonableness postulates intelligent care and predicates that deprivation of freedom by refusal of bail is not for punitive purpose but for the bi-focal interests of justice - to the individual involved and society affected.

11. We must weight the contrary factors to answer the test the reasonableness, subject to the need for securing the presence of the bail applicant. It makes sense to assume that a man on bail has a better chance to prepare of present his case than one remanded in custody. And if public justice is to be promoted. mechanical detention should be demoted. In the United States, which has a constitutional perspective close to ours, the function of bail is limited, 'community roots' of the applicant are stressed and, after the Vera Foundation's Manhattan Bail Project, monetary suretyship is losing ground. The considerable public expense in keeping in custody where no danger of disappearance or disturbance can arise, is



not a negligible consideration. Equally important is the deplorable condition, verging on the inhuman, of our sub-jails, that the unrewarding cruelty and expensive custody of avoidable incarceration makes refusal of bail unreasonable and a policy favouring release justly sensible.

12. A few other weighty factors deserve reference. All deprivation of liberty is validated by social defence and individual correction along an anti-criminal direction. Public justice is central to the whole scheme of bail law. Fleeing justice must be forbidden but punitive harshness should be minimised. Restorative devices to redeem the man, even through community service, meditative drill, study classes or other resources should be innovated, and playing foul with public peace by tampering with evidence, intimidating witnesses or committing offences while on judicially sanctioned 'free enterprise', should be provided against. No seeker of justice shall play confidence tricks on the court or community. Thus, conditions may be hung around bail orders, not to cripple but to protect. Such is the holistic jurisdiction and humanistic orientation invoked by the judicial discretion correlated to the values of our Constitution.

13. Viewed from this perspective, we gain a better insight into the rules of the game. When a person, charged with a grave offence, has been acquitted at a stage, has the intermediate acquittal pertinence to a bail plea when the appeal before this Court pends? Yes, it has. The panic which might prompt the accused to jump the gauntlet of justice is less, having enjoyed the confidence of the court's verdict once. Concurrent holdings of guilt have the opposite effect. Again, the ground for denial of provisional release becomes weaker when the fact stares us in the face that a fair finding if that be so - of innocence has been recorded



by one court. It may not be conclusive, for the judgment of acquittal may be ex facie wrong, the likelihood of desperate reprisal, if enlarged, may be a deterrent and his own safety may be more in prison than in the vengeful village where feuds have provoked the violent offence. It depends. Antecedents of the man and socio-geographical circumstances have a bearing only from this angle. Police exaggerations of prospective misconduct of the accused, if enlarged, must be soberly sized up lest danger of excesses and injustice creep subtly into the discretionary curial technique. Bad record and policy prediction of criminal prospects to invalidate the bail plea are admissible in principle but shall not stampede the court into a complacent refusal.”

12. The Hon'ble Supreme Court in ***“Rabi Prakash Versus The State of Odisha”***, ***Special Leave to Appeal (Criminal) No.4169 of 2023***, has also discussed the effect of Section 37 of the NDPS Act, in such like cases of long custody. The relevant portion of the aforesaid judgment contained in para No.4 is reproduced as under:-

“4. As regard to the twin conditions contained in Section 37 of the NDPS Act, learned counsel for the respondent – State has been duly heard. Thus, the 1st condition stands complied with. So far as the 2nd condition re: formation of opinion as to whether there are reasonable grounds to believe that the petitioner is not guilty, the same may not be formed at this stage when he has already spent more than three and a half years in custody. The prolonged incarceration, generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such a situation, the conditional liberty must override the statutory embargo created under Section 37(1)(b)(ii) of the NDPS Act.”



13. In the recent judgment passed by the Hon'ble Supreme Court in ***'Javed Gulam Nabi Shaikh Vs. State of Maharashtra and another', 2024 (3) RCR (Criminal), 494***, it has been specifically held that the right to speedy trial of offenders facing criminal charges is implicit in the broad sweep and content of Article 21. The relevant extract of the same reads as under:-

"18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly, howsoever stringent the penal law may be."

DECISION

14. This Court, has examined the instant petitions on the touchstone of the hereinabove extracted settled legal principle(s) of law and the rival submissions made by the learned counsel for the parties concerned, and is of the considered opinion that the instant petitions are amenable to be allowed.
15. Considering the fact that the petitioners have suffered incarceration of more than 01 year and 05 months, as on today, and the charges were framed on dated 12.12.2023, and no prosecution witnesses have been examined, as on date, whereas, the prosecution has cited total 32 witnesses, coupled with the fact that the petitioner-Fatehjeet Singh has clean antecedents, whereas, the petitioner-Gurpreet Singh @ Gagan is involved in one more case, and in that case he has been extended the relief of regular bail, therefore, this Court deems it fit and appropriate to enlarge the petitioner(s) on regular bail. Accordingly, the instant petitions are **allowed**. The petitioner(s) are ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/trial Court/Duty Magistrate, concerned.
16. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.
17. Photocopy of this order be placed on the connected case file.

(KULDEEP TIWARI)
JUDGE

October 29, 2024
Manpreet

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