

219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7391-2024
Date of decision : 13.03.2024

GURPREET SINGHPetitioner

Versus

STATE OF PUNJAB ...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Avtar S. Sandhu, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.144 dated 29.11.2021 registered for the offences punishable under Sections 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') at Police Station Sadar Rajpura, District Patiala.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. As per the contents of the FIR it was alleged as under:

“xxx I, ASI along with ASI Gursharan Singh 662, ASI Harish Kumar 1416 and HC Gurinder Jeet Singh 983 were riding Govt. vehicle bearing registration No.PB-65K-2442 being driven by ASI Karnail Singh with laptop and printer and were present at Jansua Road, near graveyard Jansua in connection with patrolling as well as in search of suspected persons and searching the passersby. At about 6.30 PM, one Sikh gentleman came from the side of bearing

Gharola road on motorcycle registration No.PB-230-1063 make Hero Splendor. He on seeing the police party in front became perplexed and tried to turn back the motorcycle, the tyre of motorcycle slipped and the motorcycle fell down. I, ASI called above mentioned person and asked him to stop. The abovementioned Sikh gentleman took out a white coloured transparent polythene containing tablets from right pocket of his jacket and threw the same towards his right hand side. White coloured tablets were clearly seen from the envelope. I, ASI on the basis of suspicion and with the help of companions apprehended the abovementioned Sikh gentleman and asked his name and address. He disclosed his name as Gurpreet Singh son of Bhajan Singh, resident of village Alampur, Police Station Sadar Rajpura, District Patiala. Thereafter, I, ASI asked him about the transparent envelope thrown by him. Abovementioned Gurpreet Singh told that there were intoxicant tablets in transparent envelope. The description of above mentioned Gurpreet Singh is aged about 23 years, height 5'6", kept hair on head, trimmed beard and a black mark on the back. I, ASI took out the intoxicant tablets from the above counted mentioned envelope and which came to be 1050 intoxicant white coloured loose tablets in numbers. I, ASI put the recovered intoxicant tablets in a plastic container and thereafter the plastic container in a white coloured cloth bag and converted into parcel. I, ASI served the abovementioned parcel with my seal bearing letters MS. Sample seal was prepared separately. seal was handed over After use, to ASI GursharanSingh containing intoxicant 662. The white parcel coloured the tablets duly sealed with seal bearing letters MS along with abovementioned sample seal was taken into police possession separate recovery memo. through a Recovery memo of intoxicant tablets was signed by ASI Gursharan Singh662 and ASI Harish Kumar 1416. Abovementioned Gurpreet Singh has committed offence under Section 22/61/85 NDPS Act by keeping in his possession 1050 white intoxicant loose tablets. ruqa is being sent to coloured Therefore, the police station Sadar Rajpura by hand through HC Gurinderjit Singh 983 for registration of case under said section against abovementioned Gurpreet Singh. xxxx”

4. Counsel for the petitioner submits that the petitioner is behind bars for more than 2 years and 2 days and has clean antecedents. Charges were framed on 15.07.2023 and Challan stands presented on 30.05.2022 however no witness has been examined till date. Meaning, thereby that the trial will not conclude in the near future and the custody of the petitioner should not be allowed to be prolonged as a punitive measure.

5. State Counsel is not in posititon to dispute the factual assertions made by counsel for the petitioner based on record.

6. I have heard counsel for the parties and have gone through records of the case.

7. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.

- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any with the trial Court.
- (vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.
- (vii) The petitioner shall not in any manner try to delay the trial.

9. In case of breach of any of the aforesaid conditions and those which may be imposed by the Trial Court, the prosecution shall be at liberty to move cancellation of bail of the petitioner.

10. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

March 13, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No