



CRM-M-9821-2023 (O&M) and another connected case

-1-

104+239 – 2 cases

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

(1)

CRM-M-9821-2023 (O&M)

Date of Decision:- 19.07.2024

Gagandeep Singh @ Lali

...Petitioner

Versus

State of Punjab

...Respondent

(2)

CRM-M-9905-2023

Kamalpreet Singh @ Kamal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Jitender Singh Dadwal, Advocate
for applicant/petitioner in CRM-M-9821-2023.

Mr. S.P.S. Khaira, Advocate
for petitioner in CRM-M-9905-2023.

Mr. Kewal Singh, Addl. A.G. Punjab.

AMARJOT BHATTI, J.

CRM-54204-2023 in CRM-M-9821-2023

This is an application filed under Section 482 Cr.P.C. for placing
on record copies of statements of PW-1 dated 04.09.2023 and PW-2 dated
21.11.2023 as Annexures P-2 and P-3 respectively.

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For the reasons enumerated in application, same is allowed. Accompanied documents Annexures P-2 and P-3 are taken on record, subject to just exceptions.

Main cases

1. The petitioners – Gagandeep Singh @ Lali and Kamalpreet Singh @ Kamal have filed separate petitions under Section 439 Cr.P.C. for grant of regular bail in FIR No. 76 dated 27.07.2022, registered under Sections 15(c), 61, 85 of Narcotic Drugs and Psychotropic Substances Act, 1985 (fort short 'NDPS Act') at Police Station Dehlon, District Police Commissionerate, Ludhiana. These petitions have arisen out of same FIR, therefore, both petitions are taken up together for disposal.

2. Facts of the case are that on 27.07.2022, ASI Pawanjit Singh and police party was present at Dehlon Chowk, Ludhiana in connection with checking of suspected persons and vehicles. He received secret information from reliable source that Kamalpreet Singh was indulging in business of supply of poppy husk and he brought contraband from Madhya Pradesh on his Truck bearing Registration No. PB-10-FF-9997 and was waiting for customers near Dehlon Bypass. If raid was conducted, he could be apprehended with large quantity of poppy husk. On the basis of this, raid was conducted. Petitioner Kamalpreet Singh @ Kamal was apprehended along with aforesaid truck and from cabin of truck 45 kg of poppy husk was recovered. During investigation, on the basis of his disclosure statement, another 75 kg of poppy husk was recovered. During interrogation, he disclosed that he had sold poppy husk to Gagandeep Singh @ Lali. He was nominated and was arrested on 27.07.2022 and from

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his possession 80 kg of poppy husk was recovered. Therefore, in this case, there was recovery of two quintals of poppy husk. On completion of investigation, challan has been presented in Court for trial.

3. Learned counsel for both the petitioners argued that they are falsely implicated in this case. Both petitioners were apprehended on 27.07.2022 and since then they are in custody. Trial in this case is going on at a slow pace. Only two witnesses have been examined. On the ground of long custody, both petitioners prayed for regular bail.

4. Bail applications are opposed by learned counsel representing the State. Status report has been filed conforming the fact that after completion of investigation, challan has been presented, charges have been framed on 07.06.2023 and now case is pending for prosecution evidence. It is argued that recovery falls in commercial quantity. Therefore, considering the stringent provisions of Section 37 of NDPS Act, petitioners are not entitled for regular bail.

5. I have considered the arguments and have gone through the record. It is a case of heavy recovery of poppy husk falling in commercial quantity. Till date charge sheet has been framed and case is pending for prosecution evidence. It cannot be ignored that both petitioners are in custody since 27.07.2022. Till now charge-sheet has been framed and two witnesses have been examined. However, considering the huge quantity of contraband, both petitioners are not entitled to regular bail and their bail petitions are accordingly declined.

Considering the long custody of both petitioners, trial Court is directed to expedite the trial by giving short adjournments and



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progress/status report of trial be sent to this Court after a period of three months from today.

- 6. The petition is accordingly, disposed of.
- 7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

19.07.2024
lalit

(AMARJOT BHATTI)
JUDGE

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