

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-10961-2024
Date of Decision.:24.04.2024

Gurjeet Singh
Vs.
State of Punjab

.....Petitioner
.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Bhavesh Aggarwal, Advocate
for the petitioner.

Mr. Baljinder Singh, DAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.101 dated 08.04.2023 registered under Section 21 of NDPS Act, 1985 (Section 29 of NDPS Act, 1985 added subsequently) registered at Police Station Civil Lines, District Batala.

2. Status report by way of an affidavit of Shri Azad Dawinder Singh, PPS, Deputy Superintendent of Police, Sub Division City Batala, Police District Batala along with custody certificate has been filed on behalf of respondent- State.

3. As per prosecution allegations on 08.04.2023, co-accused Ravi Kumar and Rajbir Singh were apprehended by the police party while driving a bike on 08.04.2023 and from the possession of Rajbir Singh 20 gms of Heroin; and from the possession of Ravi Kumar a computer kanda (scale) were recovered. Both of them in their disclosure statement, nominated the petitioner to be the seller.

4. Learned counsel contends that petitioner has been falsely implicated simply on the basis of disclosure statement of co-accused; that no recovery was effected from the petitioner; that recovery effected from the co-accused falls in the non-commercial category.
5. Learned State counsel has opposed the petition on the ground that petitioner is involved in 05 more cases pertaining to NDPS Act and that he has been nominated to be the seller in the disclosure statement of co-accused.
6. Heard.
7. As per the custody certificate, petitioner is in custody since 19.09.2023 i.e. for the last 05 months and 18 days. Although petitioner is stated to be involved in 05 more cases pertaining to NDPS Act but in present case, no recovery has been effected from the petitioner and the recovery effected from co-accused falls in the non-commercial category and trial is likely to take long time to conclude.
8. Having regard to the above facts and circumstances, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

April 24, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No