



CRM-M-11942-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(216)

CRM-M-11942-2024
Date of decision:- 08.08.2024

Gurpreet Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Ms. Amrita Garg, AAG, Punjab
for State-respondent.

SUVIR SEHGAL, J. (ORAL)

1. This is the second petition filed under Section 439, Cr.P.C.
seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
119	25.06.2022	Kotbhai, District Sri Muktsar Sahib	22 (c) of the NDPS Act

2. Version of the prosecution is that FIR, Annexure P-1, has been registered when two persons, who were walking with transparent polythene envelope in their hands, were searched on suspicion. Recovery of 1000 tablets of Tramadol Hydrochloride was made from Gurpreet Singh, present petitioner, and 540 tablets of Alprasafe 0.5 were recovered from Balvir Singh @ Gori.

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3. Counsel for the petitioner submits that the petitioner has been falsely implicated as the version of the prosecution is highly improbable. He urges that the mandatory provisions of the NDPS Act have been breached while conducting alleged search and seizure. Counsel asserts that the petitioner is in custody since 28.06.2022 and deserves to be enlarged on bail, as the trial is not likely to conclude in the near future. He submits that the previous bail petition, filed by the petitioner, was withdrawn from this Court on 13.10.2023, Annexure P-3, and there has been no progress of the trial since then.

4. *Per contra*, State counsel, upon instructions from ASI, Jagdish Singh, has opposed the petition by filing the Custody Certificate dated 06.08.2024, which is taken on record. She submits that the petitioner is involved in another criminal case lodged for offence under the NDPS Act, though, she could not dispute that he was released on bail after a custody of one month. As per her instructions, one out of eleven prosecution witnesses have been examined. She submits that the total weight of Tramadol, which was recovered from the petitioner, is 419 grams, and as it falls within the ambit of commercial quantity, rigor of Section 37 of the NDPS Act will apply.

5. I have heard counsel for the parties and considered their respective submissions.

6. Petitioner has been in custody for the last more than 25 months, but the trial is at a nascent stage. Although, he is named as an accused in



another criminal case, but the contraband apparently recovered from him in the second case seems to be non-commercial. In view of the judgment of the Supreme Court in *Dheeraj Kumar Shukla Versus The State of Uttar Pradesh, 2023 SCC Online SC 918*, as there is a remote possibility of an early conclusion of the trial, concession of bail deserves to be extended to the petitioner.

7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

8. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

08.08.2024
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No