

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17113-2024

Date of Decision : 02-05-2024

Lovepreet Singh alias Labhu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Hanspuneet Singh Kehal, Advocate with
Mr. Kashmir Singh, Advocate and
Dr. Shonika Waliak, Advocate for the petitioner.

Mr. Mohit Kapoor, Sr. DAG Punjab.

PANKAJ JAIN, J. (Oral)

1. Prayer is for grant of regular bail in FIR No.84 dated 22.04.2023 (Annexure P-1) registered for offences punishable under Sections 21, 61 and 85 of the NDPS Act at Police Station Jandiala, Amritsar.

2. As per the allegations levelled in the FIR, it has been alleged as under:-

“SHO police station Jandiala Guru "Jai Hind, today SI with ASI Sushil Kumar 1140/ASR, ASI Darshan Masih 525/ASR, Lady constable Mandeep Kaur 1931/ASR along with one laptop, printer accessory was patrolling in search of bad elements in their Bolero car whose driver was ASI Gurpreet singh 272/ASR and were patrolling near CIA staff office, Police line, Daburji District Amritsar Rural and were going towards the area of PS Jandial Guru kasba Jandiala Guru, Gehri Mandi, Bhangwa etc. When the police patrolling party turned towards village Bhangwa, one haircut boy was coming on foot from village Bhangwa side who immediately took U turn upon seeing police party and started walking in hurry. Under suspicion, SI got his vehicle stopped and tried to stop that boy with the help of his officers but he started running fast. He was arrested by SI with the help of his officers when he tried to throw away one polythene that he took out from his right pocket of his lower. When he was asked about his name by SI, that hair cut boy told his name as Lovepreet singh @ Labhu s/o Kashmir singh resident of Taragarh Talwa PS Jandiala Guru District

Amritsar. SI strictly asked accused Lovepreet singh @ Labhu about polythene bag, he said that heroine is there in that polythene bag. Before opening and checking polythene bag, efforts were made to make some private witness with the police party but everyone refused to do so due to their personal reasons. Upon this SI in the presence of his other officials opened up the polythene bag held in right hand of the accused Lovepreet singh @ Labhu, from which heroine got recovered. This heroine was weighed with a weighing machine kept in investigation bag and it weighed 50grams. One parcel was got prepared by keeping this heroine with polythene bag in one plastic box. SI sealed this parcel with his stamp BS and separate sample of seal was also prepared. This stamp was handed over to ASI Sushil Kumar 1146/ASR for afterward use. Parcel of plastic box containing 50 grams of heroine under the seal of BS along with stamp sample was also taken into police custody. Lovepreet singh @ Labhu has committed an offence under section 21, 61, 85 NDPS Act by keeping 50 grams heroine in his possession. SI has got printout of ruka from laptop and sent to the police station Jandiala Guru for registration of FIR under the hands of lady constable Mandeep kaur 1931/ASR. FIR number be informed after lodging FIR. No magistrate or gazetted officer was called on the spot because of chance recovery. Special reports be sent to the illaqa magistrate and other concerned officers. Control room be informed through wireless. Seizure report of said recovery is being prepared and will be sent to the concerned officers. SI along with officers is present and investigating on the spot.”

3. As per the case of the prosecution, petitioner in his disclosure nominated one Mandeep Singh from whom 350 gms of heroin was recovered. Further, counsel for the petitioner submits that the contraband recovered from Mandeep Singh cannot be clubbed vis-a-viz the present petitioner and thus qua him rigors of Section 37 of the Act would not be attracted. Petitioner has faced incarceration for more than 6 months and 6 days. It is a case wherein intermediation quantity has been recovered from him and has no prior antecedents of indulging in offence punishable under the NDPS Act.

4. Learned State counsel does not dispute the abovesaid factual assertions.

5. Having heard counsel for the parties and after going through the records of the case.

6. Keeping in view the period of incarceration suffered by the petitioner and the fact that he has no prior antecedents, present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned. 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.*

7. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

02-05-2024

spn

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned Yes
Whether Reportable No