



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-10117-2024
Date of Decision: 19.09.2024

GURPREET SINGH @ GOPI

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Vivek Saini, Addl. A.G., Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the order dated 28.12.2023 bearing endorsement No.5/41/2023-2HC dated 01.01.2024 under Section 9(f) read with Section 11 of the Act of 1988 as well as the detention order issued vide endorsement No.5/41/2023-2HC dated 03.11.2023 directing the petitioner to undergo preventive detention for 11 months from the date of detention.

Learned counsel for the petitioner impugns the aforesaid order of detention as has been affirmed by the Competent Authority by placing reliance on the judgment/order dated **02.07.2024** passed by this Court in **CWP-22223 of 2023** titled as '**Sadha Ram @ Bhajna Ram Versus State of Haryana and others**'

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An attempt has been made by the learned State Counsel to justify that the order of preventive detention had been issued in view of the repeated involvement of the petitioner in different cases under the NDPS Act, 1985. It is submitted that as many as 04 cases were registered against him. It is evident that last of such cases was registered on 21.01.2022, wherein the petitioner had been granted bail on 23.01.2023 and the order of preventive detention was passed against the petitioner on 03.11.2023 as affirmed by the Competent Authority on 28.12.2023. It is evident that there is a gap of more than one year in the incident and there is no proximity with the order of preventive detention. The same rather follows the order of bail granted in favour of the petitioner on 23.01.2023.

Having heard learned counsel for the respective parties and having gone through the reply filed by the State as also the judgment in the matter of ***Sadha Ram (Supra)*** relied upon by the counsel for the petitioner, I am of the view that the case of the petitioner is covered by the aforesaid judgment.

The present writ petition is accordingly allowed in terms of the judgment/order dated **02.07.2024** passed in the matter of ***Sadha Ram (Supra)***.

SEPTEMBER 19, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No