

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 31956-2023
Date of decision : 20.01.2024

GURPREET SINGH @ GOPI Petitioner
versus
STATE OF PUNJAB Respondent

CORAM : HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present :- Mr. Vivek K. Thakur, Advocate
for the petitioner.

Mr. H.S. Sitta, DAG, Punjab.

SANDEEP MOUDGIL, J. (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., for grant of regular bail to the petitioner in FIR No.78 (Annexure P-1), dated 23.12.2022, under Sections 21/29/61/85 of Narcotic Drugs and Psychotropic Substances, registered at Police Station Talwandi Chaudhrian, District Kapurthala.
2. Learned counsel for the petitioner contends that he is at par with Lovepreet Singh @ Love who has been granted the concession of regular bail by this Court in CRM-M-64376-2023 vide order dated 15.01.2024. In that case, the facts pointed qua Lovepreet Singh @ Love are that he was not associated to the motor cycle involved in the offence from which recovery of 350 grams of heroin was made and also on account of same relief granted to the other co-accused, namely, Jaspal Singh in CRM-M-15907-2023 from whom the alleged drug money of Rs. 1,00,000/- was recovered.
3. On the other hand, learned State counsel has produced the custody certificate of the petitioner, which is taken on record, to demonstrate that he has suffered incarceration for a period of 1 year and 22 days. He further argues for

dismissal of regular bail in the instant petition making an effort to distinct the instant case from that of Lovepreet Singh @ Love and Jaspal Singh stating that it was the present petitioner Gurpreet Singh @ Gopi who made the disclosure statement and on that basis, the drug money to the tune of Rs.1,00,000/- was recovered from Jaspal Singh along with motorcycle involved in the offence, which is actually a stolen motorbike and therefore, Gurpreet Singh @ Gopi do not deserve any sympathy from this Court.

4. Since, the petitioner has already suffered custody for more than 1 year and 23 days, no recovery of contraband has been effected from him, neither any part of alleged drug money was recovered from his possession and has been arrayed as accused on a disclosure statement. Apart from the fact that two co-accused being similarly situated have also been advanced the concession of regular bail by this Court in CRM-M-15907-2023 and CRM-M-64376-2023 there is no reason to decline the relief to the present petitioner.

5. In view of the aforesaid discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

6. In the afore-said terms, the present petition is hereby allowed.

7. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

20.01.2024
Anu

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No