



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-33116-2024
Date of decision: December 12th, 2024

Gurcharan Singh @ Pohli

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is a second petition filed by the petitioner seeking the concession of regular bail in case FIR No.96 dated 28.06.2021 registered under Sections 15 and 29 of the NDPS Act, 1985, at Police Station Amargarh, District Sangrur.

2. Learned counsel for the petitioner submits that the false implication of the petitioner in the present case is evident from the fact that he was already in custody in another case under the NDPS Act, when he came to be nominated as an accused in the present case. It has been submitted that the alleged recovery was made from a locked room in a *dharamshala* at Village Bagrian, which is 10 kilometers away from Village Amargarh. It has been submitted that it is a highly improbable that while being in custody, the petitioner would have managed to conceal 300 kilograms of poppy husk in the aforementioned *dharamshala*.

Learned counsel has, therefore, asserted that on the face of it, the



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petitioner has been falsely implicated in the present case only on account of his involvement in some other cases under the NDPS Act. It has still further been argued by the learned counsel that the possibility of the trial concluding in the near future seems unlikely as it is a matter of record that after the charges were framed, only eight prosecution witnesses had been examined; next date fixed before the trial Court is 19.12.2024, when some of the remaining witnesses were likely to be examined. Learned counsel has submitted that in the circumstances, in view of his long incarceration, the petitioner deserves to be enlarged on bail, more so when in the present case, no recovery of any contraband much less poppy husk was affected from his conscious possession.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite has submitted that a secret information was received qua the involvement of the petitioner in drug trafficking. It was in pursuance of the secret information that the petitioner was then arrested through production warrants on 10.07.2021. On being arrested, the petitioner then demarcated the place from where the alleged recovery had been affected. Learned State counsel has vehemently argued that it is highly improbable that such a huge recovery of contraband would have been planted upon the petitioner. Further, the petitioner is a man of previous criminal antecedents as it is a matter of record that he is an undertrial in another FIR i.e. FIR 148 registered on 27.06.2021 at Police Station Lehra, wherein also a huge recovery of poppy husk was affected. The petitioner has been convicted



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in one case under the NDPS Act, whereas in another case under the NDPS Act, he stands acquitted.

4. On a pointed query, learned State counsel has not disputed that in the present case, unlike in FIR No.148 dated 27.06.2021, no recovery or any contraband, was affected from the conscious possession of the petitioner.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. Although the petitioner was nominated as an accused in the present case on the basis of a secret information received, however, as not disputed by the learned State counsel, he was already in custody in FIR No.148 dated 27.06.2021 registered under Sections 15, 29 of the NDPS Act at Police Station Lehra. The trial has been progressing at a very slow pace as it is a matter of record that till date, only eight witnesses stand examined out of the 21 cited by the prosecution.

7. The petitioner is already in custody in FIR No.148 dated 27.06.2021 for offences under Sections 15, 29 of the NDPS Act, in which case recovery of 500 kilograms of poppy husk was allegedly effected from the conscious possession of the petitioner unlike in the present case where no recovery was made from the petitioner.

8. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.



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9. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

December 12th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No