



CRM-M-38975-2024

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(240)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38975-2024

Date of decision :20.08.2024

GURMANPREET SINGH @ GURPREET SINGH @ GORA

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sant Pal Singh Sidhu, Advocate
for the petitioner.

Mr. Sukhsandesh Singh Chahal, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in this 2nd petition under Section 483 of BNSS, 2023 is for the grant of regular bail to the petitioner in case FIR No.180 dated 20.12.2022 (Annexure P-1) registered under Section 21 of NDPS Act, 1985 and Section 25 of Arms Act, 1959 at Police Station Kulgarhi, District Ferozepur.

2. The brief facts of the case are that Gurmanpreet Singh @ Gurpreet Singh @ Gora (petitioner) and his co-accused Lovepreet Singh @ Love and Vansh were apprehended while sitting in a car. From the search of the car, 2 Kgs heroin was recovered. One pistol and 12 live cartridges were recovered from Gurmanpreet Singh @ Gurpreet Singh @ Gora. One pistol and 7 live cartridges were recovered from the co-accused Lovepreet Singh @ Love. During investigation, on the basis of

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the disclosure statement of Lovepreet Singh @ Love, Rs.25,05,000/- along with a note counting machine was recovered.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There was violation of the mandatory provisions of the NDPS Act regarding search and seizure. As the petitioner was in custody since 20.12.2022 but only 01 of the 20 witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime and therefore, he was entitled to the concession of bail.

4. On the other hand, the learned State counsel contends that not only was commercial quantity of contraband recovered from the petitioner and his co-accused but various illicit weapons were recovered from not only the petitioner but also his co-accused. Two co-accused of the petitioner namely, Vansh and Lovepreet Singh @ Love had sought the concession of bail but their petitions were withdrawn after arguments. The petitioner had filed his first bail application which was argued at length and withdrawn on 09.01.2024 (Annexure P-3). No change in circumstances had been pointed out other than further incarceration. Further, the petitioner was an accused in one other case under the NDPS Act arising out of FIR No.114 dated 06.04.2022 under Sections 8/21/22 NDPS Act, P.S. Srikanpur Thana. Therefore, in view of the bar contained under Section 37 of the NDPS Act, the petitioner was not entitled to the concession of bail.

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5. I have heard the learned counsel for the parties.

6. Admittedly, as per the prosecution case, commercial quantity of contraband was recovered from the petitioner and his co-accused. Illicit weapons and a huge cash amount have been recovered from them. The petitioner is also an accused in one other case under the NDPS Act arising out of FIR No.114 dated 06.04.2022 under Sections 8/21/22 NDPS Act, P.S. Srikanpur Thana. Therefore, the satisfaction as envisaged under Section 37 of the Act cannot be recorded that the petitioner is not committed any offence and is not likely to commit in future. Further, the first bail petition came to be argued and withdrawn on 09.01.2024 (Annexure P-3). The bail applications of the co-accused of the petitioner also stand withdrawn. No fresh grounds have been raised in the present petition.

7. In view of the aforementioned discussion, I find no merit in the present petition. Therefore, the same stands dismissed.

8. However, the Trial Court is directed to conclude the Trial as expeditiously as possible.

(JASJIT SINGH BEDI)
JUDGE

20.08.2024
JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No