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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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**CRM-M-42136-2024 (O&M)
Date of decision: 18.11.2024**

Gagandeep Singh @ Mani and another **...Petitioners**

Versus

State of U.T., Chandigarh **...Respondent**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Karan Vir Nanda, Advocate
for the petitioner.

Mr. Manish Bansal, Public Prosecutor, U.T., Chandigarh.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioners in FIR No. 68 dated 24.05.2024, registered under Sections 20 and 29 of the NDPS Act, 1985 at Police Station West Sector 11, Chandigarh.
2. Brief facts of the case relevant for the disposal of the present petition are that on 24.05.2024, the petitioners, namely Gagandeep Singh @ Mani and Rajdeep Singh, were apprehended by a police party headed by SI Imroz Man and recovery of 952 grams of *Charas* was effected from petitioner No. 1, whereas recovery of 968 grams of *Charas* was effected from petitioner No. 2. They were formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, the petitioners along with co-accused are facing trial for commission of aforesaid mentioned offences. They had moved applications

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before the learned trial Court for grant of regular bail but the same had been dismissed, vide orders dated 05.08.2024 and 16.08.2024, respectively.

3. Learned counsel for the petitioner has argued that the petitioners have been falsely implicated in this case. The quantity of the contraband allegedly recovered from the petitioners cannot be added to bring it within the meaning of commercial quantity. It is further argued that the petitioners are in judicial custody since 24.05.2024. Investigation has since been completed and challan has been presented. Trial is likely to take time. No useful purpose would be served by keeping them in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-U.T., Chandigarh. It is submitted therein and learned Public Prosecutor has argued that both the petitioners were apprehended by the police party at the spot and recovery of aforesaid contraband was effected from them. The criminal antecedents of the petitioners are not clean as they are involved in three more criminal cases, out of which, one case is under the NDPS Act. Trial is going at a proper pace. If the petitioners are released on bail, they may abscond or indulge in the similar offences. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. As per the allegations, the petitioners were apprehended by the police party on 24.05.2024 and recovery of 952 grams of *Charas* was effected from petitioner No. 1, whereas recovery of 968 grams of *Charas* was effected from petitioner No. 2. The petitioners are shown to be involved in one more

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case under the NDPS Act. In view thereof, the apprehension expressed by learned Public Prosecutor that the petitioners, if extended benefit of bail, may abscond or indulge in similar offences cannot be stated to be unfounded at this stage. The investigation has since been completed and *challan* has been filed. The trial is going on and there is nothing on record to suggest that there would be any undue delay in conclusion of the same. Keeping in view the discussion as made above, the criminal antecedents of the petitioners, the quantum of sentence which the conviction may entail, the attendant facts and circumstances of the case and also without going into the question as to whether the quantity of the recovered contraband can be added to bring it within the ambit of commercial quantity or not, I am of the considered opinion that the petitioners do not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

18.11.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>