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

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CRM-M-43457-2024 (O&M)
Date of decision: 20.11.2024

Gagandeep Singh @ Gaggi @ Gagan @ Gagandeep Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. G. P. S. Ghuman, Advocate
for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed by the petitioner under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of regular bail in case arising out of FIR No. 10 dated 29.01.2024, registered under Section 22 of the NDPS Act, 1985 at Police Station City Morinda, District Rupnagar.
2. Brief facts of the case relevant for the disposal of the present petition are that on 29.01.2024, on receiving a secret information to the effect that the petitioner and one Mandeep Singh @ Mannu were involved in drug peddling and on that day, they were coming from Kurali side in a car bearing registration number PB-11-AV-6592, a barrier was laid by the police party headed by ASI Manjit Singh and the aforesaid car was stopped. The petitioner and co-accused were apprehended. On conducting search of the car, a transparent polythene bag containing 270 grams of intoxicant powder

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(Tramadol Hydrochloride) was recovered. The petitioner and co-accused were formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented before the Court on 28.05.2024 and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid mentioned offence. The petitioner had moved an application before the learned trial Court for grant of regular bail but the same had been dismissed, vide order dated 01.08.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. In fact, the alleged contraband shown to have been recovered from the petitioner and co-accused was planted by the police officials. It is further argued that in fact, co-accused Mandeep Singh @ Manu had come to the house of the petitioner on 29.01.2024 for picking up stitched clothes of his mother from the wife of the present petitioner and they were picked up by the police officials from the house of the petitioner at Morinda in two cars, which is evident from the photographs taken from the CCTV footage installed in the vicinity. It was told by the police officials that a complaint was received against the petitioner and his presence was required before the SHO concerned. However, later on, he was falsely implicated in this case at the behest of one Kala, who is an influential person and with whom, the petitioner was having some dispute. Investigation has since been completed and *challan* has been presented. The trial is likely to take a long time. The petitioner is in custody since 29.01.2024 barring period of interim bail. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

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4. Status report has been filed by the respondent-State. It is submitted therein and learned State counsel has argued that the petitioner was apprehended at the spot on 29.01.2024 along with co-accused and recovery of aforesaid contraband was effected from them. The quantity of the recovered contraband falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would be attracted in this case. Trial is going at a proper pace. The petitioner is involved in one more case under the NDPS Act. It is also argued that if the petitioner is released on bail, he 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 petitioner was apprehended by the police party on 29.01.2024 along with aforesaid co-accused and recovery of 270 grams of intoxicant powder i.e. Tramadol Hydrochloride was effected from them, which falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. The petitioner has placed certain photographs on record claiming his false implication. However, at this stage, the same could not be taken into consideration as it will have direct bearing on the merits of the case, which cannot be done at the stage of deciding a bail petition filed under Section 483 of BNSS. The petitioner is shown to be involved in one more case of similar nature. As per status report, out of total 14 prosecution witnesses, 10 witnesses have already been examined, which shows that the trial is going on

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at a good pace. There is nothing on record to suggest that there would be any undue delay in conclusion of the trial. The apprehension expressed by learned State counsel that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded. Keeping in view the discussion as made above, the quantity of recovered contraband, the criminal antecedents of the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does 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.

20.11.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No