



CRM-M-48855-2024

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

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CRM-M-48855-2024

Date of Decision:- 11.11.2024

Gurjeet Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Arshpreet Khadial, Advocate for petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

AMARJOT BHATTI, J.

1. Petitioner Gurjeet Singh has filed second petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.0098 dated 09.06.2021, under Section 22(c) of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Kotwali Bathinda, District Bathinda (Annexure P-1).

2. As per facts of the case, on 09.06.2021, ASI Balwant Singh and police party was present at T-Point Santpura road near Sirhind Canal in connection with patrolling and checking of suspected persons. At about 7:20 AM, they were going from T-Point Sirhind Canal when they saw 03 persons sitting there holding black colour kit bag in their hands. They were exchanging something from kit bag. ASI Balwant Singh, on the basis of suspicion apprehended them and enquired their names and address. They disclosed their names as Gurjit Singh, Jagsir Singh and Kulwant Singh.

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Since kit bag was open, strips of intoxicant pills were visible. Therefore, ASI Balwant Singh requested MHC police station to send some regular Sub Inspector on the spot. ASI Gurmukh Singh reached on the spot but due to his ill health, he send information to MHC. Therefore, investigating officer along with Head Constable Harwinder Singh reached on the spot. ASI Balwant Singh informed about the circumstances of the case. On checking of said kit bag as per rules, 600 strips each strip containing 60 pills total 36,000 intoxicant pills were recovered. On the basis of this recovery, present case was registered.

3. Learned counsel for petitioner argued that anticipatory bail petition bearing CRM-M-47031-2024 was dismissed as withdrawn vide order dated 20.09.2024. Copy of order is Annexure P-7. Earlier present petitioner was found innocent in the detailed enquiry conducted by Deputy Superintendent of Police, PBI Special Crime and Court Coordination, Bathinda and he was not challaned . Said enquiry report dated 22.09.2021 is Annexure P-2. There is joint statement of respectables of village which is Annexure P-3. Later on present petitioner has been summoned under Section 319 Cr.P.C. It is pointed out that co-accused Jagsir Singh and Kulwant Singh have been granted regular bail. Copies of their bail orders are Annexure P-5 and P-6 respectively. Present petitioner is ready to abide by the terms of bail order. Therefore, his second anticipatory bail petition may be allowed.

4. Learned counsel representing State opposed the bail petition. Detailed status report is annexed confirming the factual position regarding finding present petitioner as innocent vide DDR No.25 dated 06.10.2021 and challan was presented qua Kulwant Singh and Jagsir Singh.



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Thereafter, petitioner was summoned as additional accused on application under Section 319 Cr.P.C. vide order dated 30.04.2024. Present petitioner is not involved in any other FIR. His anticipatory bail application has been declined by learned Additional Sessions Judge, Bathinda vide order dated 28.08.2024 (Annexure P-4) and in this order there is reference of report of RTFSL, Bathinda according to which the salt tested in the laboratory contain 'Diphenoxylate Hydrochloride'. Now trial is pending for 25.10.2024 for appearance of accused.

5. I have considered the arguments and have gone through the record carefully. Contents of FIR indicate that present petitioner was apprehended along with co-accused Jagsir Singh and Kulwant Singh who are already facing trial. Present petitioner is summoned on application under Section 319 Cr.P.C. as per status report annexed with the bail petition. Learned counsel for petitioner has referred to the enquiry report dated 22.09.2021 (Annexure P-2) vide which he was found innocent. However, during the pendency of the trial, present petitioner is also summoned on account of recovery of 36,000 intoxicant pills having 'Diphenoxylate Hydrochloride' salt which falls in commercial quantity.

6. Considering the stringent provisions of Section 37 of NDPS Act, I do not find a fit case for grant anticipatory bail and the same is accordingly declined.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly.

11.11.2024

Sunil Devi

(AMARJOT BHATTI)
JUDGE