

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-54525-2024 (O&M)
Date of Decision:-8.11.2024

Gharu @ Gurkirat Singh @ Akashdeep Singh ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Naveen Sharma, Advocate for the petitioner.
Mr. Japjot Singh, AAG, Punjab.

FIR No.	Dated	Police Station	Section/s
49	15.4.2023	Tappa Mandi, District Barnala	21, 22 of Narcotic Drugs and Psychotropic Substances Act, 1985

GURVINDER SINGH GILL, J. (Oral)

- The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
- The FIR was lodged pursuant to receipt of secret information to the effect that Lovepreet Singh @ Labbi, Harjinder Singh @ Dubperi, Mota @ Surjeet Singh, Deena’s brother Goshi, Gharu and Seera indulge in sale of ‘heroin’ in the areas of Daraj, Draka, Dhilwa and Tappa. Pursuant to receipt of said information, the police was able to nab Surjeet Singh on 16.4.2023, who was found in possession of 110 tablets of ‘Alprazolam’ (16.31 grams). The petitioner has been arrested on 30.8.2024 in the present case pursuant to issuance of production warrant as he was in custody in connection with some other case.



- 3. Learned counsel for the petitioner submitted that the petitioner has been named in the FIR without there being any evidence to substantiate the allegations. It has been submitted that the petitioner, in any case, was never apprehended at the spot or found in possession of any contraband. Learned counsel further submitted that the recovery in the present case, in any case, would fall in the category of ‘non-commercial’ quantity and since Surjeet Singh from whom the contraband was recovered has already been granted bail, the petitioner also deserves the same concession on grounds of parity.
- 4. Opposing the petition, learned State counsel submitted that since the name of the petitioner specifically figures in the FIR, his complicity is clearly evident. Learned State counsel, however, informed that the petitioner as on date has been behind bars since the last more than 2 months and that the petitioner otherwise happens to be involved in one more case for offence under NDPS Act and another case under Indian Penal Code.
- 5. This Court has considered the rival submissions addressed before this Court.
- 6. Having regard to the fact that the petitioner was never arrested at the spot and no recovery was effected from him and while also noticing that it is a case of recovery of ‘non-commercial’ quantity of contraband from co-accused and that challan has already been presented, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to consume time.
- 7. The instant petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8.11.2024

Pankaj

Whether speaking /reasoned
Whether Reportable

(Gurvinder Singh Gill)
Judge

Yes / No
Yes / No