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2024:PHHC:147400



218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55322-2024
Date of Decision:12.11.2024

GAGAN DEEP ALIAS GAGANDEEP SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Gaganvir Singh Gill, Advocate for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 483 of BNSS, 2023 is for grant of regular bail to the petitioners in case FIR No.128 dated 28.05.2019 registered for the offences punishable under Sections 22/61/85 of NDPS Act at Police Station Kotwali Patiala, District Patiala.

2. The allegations in nutshell are that police recovered 187 tablets of Tramadol from the petitioner on 28.05.2019. The contraband being found to be covered under non-commercial quantity, the petitioner was granted regular bail on 19.08.2019. However, thereafter the petitioner jumped bail and was declared proclaimed offender vide order dated 12.03.2024 and subsequently re-arrested on 19.08.2024 and is presently lodged in judicial custody.

3. Counsel for the petitioner submits that the petitioner is falsely implicated in the present case. That otherwise also the case being



of non-commercial quantity of contraband, the petitioner was earlier granted regular bail and kept on appearing in the trial proceedings for the next 5 years continuously but thereafter due to some family problem he was unable to attend the Court and resultantly declared as proclaimed offender. It is further submitted that now after his re-arrest the petitioner is in custody for about last 3 months and that it will take time for the trial to conclude. So, prayer is made that the petitioner be released on regular bail pending trial.

4. Present petition is resisted by the State Counsel, who submits that earlier also after getting regular bail the petitioner absconded and even now there is apprehension that he will again abscond in case released on regular bail. However, the State counsel has not disputed the fact that case is relating to non-commercial quantity of contraband and now the petitioner is in custody for the last more than 2 months and 23 days.

5. I have considered the submissions made by the counsel for the parties.

6. The recovery being covered under non-commercial quantity the rigors of Section 37 of NDPS Act are not attracted to the present case. Further it appears that earlier also the petitioner was granted regular bail and presently the petitioner is in custody for last about 3 months and it will take time for disposal of trial. In the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period.



7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his heavy surety bond to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

12.11.2024
Priyanka Thakur

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