



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-26926-2023
Decided on : 17.01.2025

Gurcharan Singh Alias Channa

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Ankit Aggarwal, Advocate for
Mr. Deepak Aggarwal, Advocate for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner, who has been booked for having committed the offences punishable under Section 15(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity 'NDPS Act'), in FIR No. 113, dated 28.07.2022, registered at Police Station Sangat, District Bathinda, during the pendency of trial.

2. On 21.07.2023, following order was passed by the co-ordinate Bench of this Court:

*"Present: Mr. Deepak Aggarwal, Advocate for the petitioner.
Mr. Jaiteshwar S. Bhadari, AAG, Punjab.*

Contends that co-accused, namely, Achhra Singh, has already been granted the concession of bail pending trial by Coordinate Bench on 22.05.2023 in CRM-M-13532-2023. Also contends that there is no other criminal case pending against the petitioner.

Learned State counsel seeks time to verify the above



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factual position.

Posted on 21.08.2023.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

3. Learned counsel for the petitioner submits that the said interim order was continued from time to time and there is no allegation that petitioner has ever misused the concession of interim bail granted by this Court. Learned counsel for the petitioner further submits that as per the case of the prosecution 52 kgs of poppy husk has been recovered from the oil tank of the Canter and there is no other case registered against the petitioner under the provisions of NDPS Act.

4. On the other hand, learned State counsel confirms the factual submissions addressed by learned counsel for the petitioner.

5. Considering the fact that recovery from the tank of the Canter of the petitioner is just above the non-commercial quantity i.e. 52 Kgs of poppy husk and also the fact that the petitioner has never misused the concession of interim bail granted by this Court, the prayer made in the present petition is allowed. Interim bail granted to the petitioner, vide order dated 21.07.2023 passed by co-ordinate bench is made absolute. He shall be admitted to bail on his furnishing fresh bail/surety surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

6. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

7. The observation made here-in-above shall not be construed as an

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expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

8. It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

January 17,2025
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Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*