



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

214

CRM-M-55283-2024 (O&M)
Date of decision: 13.01.2025

GAMDOOR SINGH

... Petitioner

Vs.

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present :- Mr. P.S. Dhaliwal, Advocate for the petitioner.
Mr. Shiva Khurmi, AAG, Punjab.

SUVIR SEHGAL J. (ORAL)

1. Instant first petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking grant of regular bail to the petitioner in:-

FIR No.	Dated	Police Station	Section
85	17.12.2022	Sehna, District Barnala	22, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “NDPS Act”).

2. Case of the prosecution is that FIR, Annexure P-1, has been registered on the basis of secret information. Gurpreet Singh @ Jograj Singh, who is travelling with intoxicating tablets, was apprehended and recovery of 1140 loose tablets was effected from him.

3. Counsel for the petitioner asserts that no recovery has been effected from the petitioner and he has been arraigned as an accused on



the basis of the disclosure statement of a co-accused. It is his argument that the statement of co-accused recorded in police custody cannot be read in evidence. Counsel submits that petitioner has been falsely implicated as an accused in two other criminal cases lodged for offences under the NDPS Act. He has also placed reliance upon the orders Annexures P-2 and P-3, passed by this Court, whereby co-accused has been released on bail.

4. Opposing the petition, learned State counsel, upon instructions from ASI Gurtej Singh, submits that the petitioner has criminal antecedents and he has been named as the supplier of the contraband. He submits that charge against the petitioner has been framed on 08.11.2024 and out of six prosecution witnesses, none has been examined. State counsel could not dispute that no recovery has been effected from the petitioner.

5. Having heard counsel for the parties and considering the nature of allegations levelled against the petitioner, this Court, *prima facie* is of the view that the petitioner is entitled to be released on bail. The conceded position is that no recovery has been effected from him and in view of the judgment of a Division Bench of this Court in **Dharamveer and another Versus State of Punjab, 2015 SCC OnLine P&H 5526**, bar under Section 37 of the NDPS Act, would not apply. The petitioner has been in custody for the last more than 4 months and the trial is at a nascent stage as no prosecution witness has been examined.



This is the another reason which is weighed before this Court while accepting the prayer made by the petitioner.

6. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed and the petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. It is clarified that nothing mentioned hereinabove shall be construed to be an expression of opinion on the merits of the case.

13.01.2025
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No