

CRM No. M-17094 of 2015
DECIDED ON: JULY 27, 2015

GURJIT SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. D.S. Pheruman, Advocate
for the petitioner.

Mr. Ankur Jain, AAG, Punjab.

JASPAL SINGH, J (ORAL)

Instant petition has been preferred by Gurjit Singh under Section 439 Cr.P.C. seeking regular bail in case FIR No. 157 dated November 09, 2014 under Section 21 of NDPS Act registered at Police Station Valtoha, District Tarn Taran.

2. The contention of learned counsel for the petitioner is that petitioner has been falsely implicated in the instant case. No recovery of any contraband or incriminating article has been recovered from the custody of accused and he has been nominated as an accused in this case by his co-accused namely Lakhbir Singh, who has disclosed that he alongwith his brother Punjab Singh used to bring heroin from petitioner who has got links with other smugglers in Pakistan as well as with other smugglers in Punjab. On the basis of confessional statement of co-accused, petitioner was got arrested on the basis of production warrant and with the permission of Court his arrest was made. It has further been contended by learned counsel for the petitioner that though some other cases have also been

registered against the petitioner but in some of the cases he has been discharged and in some cases he is on bail. Since, no recovery has been effected from petitioner in the instant case and he has been falsely implicated at the instance of his co-accused, it would not be desirable to keep the petitioner behind the bars for an indefinite period. He also undertakes to abide by all terms and conditions imposed by this Court, in case he is granted the concession of bail.

3. On the other hand, learned State counsel has strongly opposed the grant of bail submitting that petitioner is indulging in sale of intoxicants and has got links with drug smugglers in Pakistant as well as in Punjab. Even, heroin which was recovered from the co-accused, was purchased by him from petitioner. Accordingly, he prayed for dismissal of instant petition.

4. This Court has given an anxious thought to the contentions raised by learned counsel for the parties and have meticulously gone through the record available on file.

5. It is an undisputed fact that petitioner is not framed in FIR and instant case was initially registered against Lakhbir Singh @ Beer. From his possession 200 gms heroin was alleged to have been recovered by Inspector Hardeep Singh, CIA Staff and when he was subjected to custodial interrogation he also got recovered 1 kg 200 gms heroin. Though, petitioner was also subjected to custodial interrogation after his arrest in this case but nothing incriminating article has been recovered from his possession. In all other cases, which have been registered against petitioner either he is on bail or he has since been discharged. In the instant case, there is no recovery of any contraband or incriminating article. Though challan has also been presented but disposal thereof, would take sufficient long time.

6. In the circumstances narrated above, no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period. Accordingly, instant petition is allowed and petitioner is ordered to be released on bail at the satisfaction of learned trial Court.

JULY 27, 2015
SHAM

(JASPAL SINGH)
JUDGE