

***IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH***

Criminal Misc. No. M-36769 of 2017

Date of Decision:-04.10.2017

Gurvinder Singh @ Ghulla @ Guru

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present:- Mr. K.P.S. Virk, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

FATEH DEEP SINGH J.(Oral)

The allegations against the petitioner Gurvinder Singh @ Ghulla @ Guru in this regular bail application under Section 439 Cr.P.C. in FIR No.66 dated 30.7.2017, under Section 21/29/61/85 of the NDPS Act and Section 3 of the Officials Secrets Act, Police Station Khalra, District Tarn Tarn, are that on 30.7.2017 the accused was apprehended on the basis of secret information of having been link with notorious smugglers of Pakistan and that he was supplying information to the hostile neighbouring country and that from the search of petitioner certain maps of certain sensitive check posts of Indo-Pak Border were found and call details further shows that the petitioner was in regular contact with certain BSF officials.

The conetntions of petitioner's counsel are that the petitioner has been falsely implicated in the present case without any cogent evidence and he is behind bars since 3.8.2017 and that the trial is not likely to be

concluded in near future.

Learned State counsel has not disputed the factual scenario but strongly opposed grant of bail to the petitioner on the ground of heinousness of offence and seriousness of allegations.

Appreciating the submissions and the fact that despite a specific query of the Court, learned State counsel could not answer that any of the alleged documents, which have been recovered from the petitioner pertaining to vital installations or any element by virtue of Section 3 of the Officials Secrets Act have been verified by any of the authorities. Nothing else has been recovered from the petitioner. Learned counsel for the petitioner has also pointed out that earlier also the petitioner was picked up illegally by the police on 26.7.2017 from his house and a Criminal Writ Petition No.881 of 2017 was filed and the Warrant Officer was appointed in that case, led to false implication of the petitioner.

Keeping in view the aforesaid facts and that the trial is not likely to be concluded in near future and no useful purpose would be served by keeping the petitioner behind the bars, without adverting anything on the merits of the case, the present petition for grant of regular bail is allowed. Petitioner be admitted to bail to the satisfaction of the trial Court.

October 04, 2017
Vijay Asija

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No