

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

CRM-M-25508-2018

Date of Decision: August 28, 2018

Gurvinder Singh @ Ginda

.....Petitioner(s)

versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Karanjeet Singh Brar, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in FIR No.2 dated 06.12.2017, registered at Police Station SSOC, Fazilka, District Fazilka, under sections 21 and 25 of the NDPS Act, 1985.

2. As per the prosecution version, the petitioner was intercepted while driving a Swift car at about 4:30 p.m. and 265 grams of *heroin* as well as cash amounting to Rs.13.7 lacs, were recovered.

3. Learned counsel for the petitioner submits that the petitioner has been in custody since 06.12.2017. Investigation is complete and thus, no useful purpose would be served by keeping the petitioner in custody till the completion of the trial. He also submits that a false case has been foisted upon the petitioner as is evident from *Panchayatinama* (Annexure P-4) wherein respectable persons of the village have stated that the Swift car belongs to the father of the petitioner and was taken

away by the Police from their residence on 06.12.2017 at about 4:00/5:00 P.M. Reliance is also placed upon agreement to sell dated 21.11.2017, according to which a sum of Rs. 10 lacs was received by the father of the petitioner as earnest money and it is submitted that said cash was taken from the house of the petitioner who is falsely implicated.

4. Learned State counsel controverts the submission made by learned counsel for the petitioner by drawing the attention of this Court to order dated 30.04.2018 passed by the learned trial Court, whereby the application filed by the petitioner for grant of regular bail was rejected. In the said application, the case of the petitioner was that the vehicle was taken by the police on 06.12.2017 in the morning and that the money allegedly confiscated by the Police had been collected by the family for depositing in the bank. No mention of Agreement to Sell has been made therein. The same case has been set up in the present petition also and thus, the *Panchayatinama* as well as Agreement to Sell dated 21.11.2017 have been fabricated with the intention of misleading this Court. Moreover, the trial is near completion, as only one prosecution witness remains to be examined.

5. Thus, he argues that the petitioner does not deserve the concession of regular bail

6. Learned counsel for the petitioner is unable to explain the contradiction in the stand taken before the learned trial Court as well as the stand being projected now. He blames the contradiction on a clerical error. The timing of recovery of the car may be presumed to be a clerical error, however, no explanation is forthcoming regarding the money allegedly confiscated by the Police. In any case, the trial is now near completion and thus, I do not deem it appropriate to grant regular bail to the

petitioner.

7. The petition is accordingly dismissed.

August 28, 2018
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No