

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

204/A

CRM-M-42032-2018

Date of Decision: September 28, 2018

Gurjeet Singh @ Gopi

.....Petitioner(s)

versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. R.S. Khosla, Sr. Advocate with
Mr. Aman Sharma, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Sudhir Mittal, J. (Oral)

The petitioner-Gurjeet Singh @ Gopi son of Bakshish Singh, seeks regular bail in FIR No.63 dated 30.01.2018, registered at Police Station Sadar Jagraon, District Ludhiana, under sections 67 of Information Technology Act, 2000, sections 21 and 22 of the NDPS Act, 1985, section 25 of the Arms Act, 1959 and sections 379, 411, 506 IPC.

2. As per the allegations in the FIR, a *naka* was put up by the police. A vehicle was intercepted in which the petitioner and some other persons were seated. 500 grams of *Heroin* and some arms and ammunition were recovered from the co-accused-Karaj Singh. The FIR is dated 30.01.2018.

3. Learned Senior counsel for the petitioner submits that in fact the petitioner was picked up on 29.01.2018, as is evident from the complaint (Annexure P-5) lodged with Helpline No.181. Thus, the petitioner has been falsely implicated.

Moreover, the petitioner has been in custody since 30.01.2018. The investigation is complete but the trial has not yet been commenced. The petitioner does not have any criminal antecedents and thus, he may be granted regular bail.

4. The prayer is opposed by learned State counsel by submitting that the petitioner is part of a dreaded gang. The petitioner had attempted to escape and was nabbed after a chase. 02 pistols of 12 bore were recovered from him apart from 5 cartridges regarding which FIR No.65 of even date has been registered against him.

5. Regarding the contention of recovery of arms and ammunition from the petitioner, learned Senior counsel drawn attention to the order dated 09.03.2018 (Anneuxre P-3) to submit that trial Court has granted regular bail to the petitioner in the said case.

6. From the facts aforementioned, it is apparent that the investigation is complete in this case but trial has not yet been commenced as charges have not been framed till date. In criminal case registered against the petitioner under the Arms Act, 1959, he is on regular bail. The trial is not likely to be concluded at an early date and no useful purpose would be served by keeping the petitioner in custody indefinitely. Whether the petitioner was arrested at the spot, is also doubtful. Thus, I deem it appropriate to release the petitioner on regular bail.

7. Consequently, this petition is allowed and the petitioner- Gurjeet Singh @ Gopi son of Bakshish Singh is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of learned trial Court concerned.

September 28, 2018
sonia arora

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes