

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

Decided on: 12.07.2018

1. CRM-M No.6525 of 2018

Gurjeet Singh @ Jeeta

....Petitioner

Versus

State of Punjab

....Respondent

2. CRR No.796 of 2018 (O&M)

Gurcharan Singh @ Bunty

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Vivek Salathia, Advocate
for the petitioner (in CRM-M-6525-2018)

Mr. Sandeep Verma, Advocate
for the petitioner (in CRR-796-2018)

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

In **CRM-M No.6525 of 2018**, the petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.58 dated 12.08.2017, for offence punishable under Section 21 of the Narcotic Drug and Psychotropic Substances Act, 1985 (in short 'the NDPS Act'), registered at Police Station Naya Gaon, District S.A.S. Nagar, whereas prayer in **CRR No.796 of 2018**, is for setting-aside the order dated 06.02.2018 (Annexure P1) vide which the Judge, Special Court, Mohali has allowed the application filed by

the prosecution seeking extension of time for completing the investigation on the ground that the report of FSL is awaited.

Counsel for the petitioner (in CRR No.796 of 2018), at the very outset, has submitted that the revision petition filed by the petitioner – Gurcharan Singh @ Buntty be also treated as a petition for grant of regular bail, as the case of the petitioner – Gurcharan Singh @ Buntty is also situated on the similar line as of the petitioner – Gurjeet Singh @ Jeeta.

Ordered accordingly.

Counsel for the petitioners have submitted that as per the allegation in the FIR, the petitioners were apprehended on 12.08.2017 at 07:30 am in the area of village Naya Gaon, District S.A.S. Nagar, Mohali and the contraband was recovered from them after issuing a notice under Section 50 of the NDPS Act. It is further submitted that right from the date of FIR, they are agitating false implication and are representing the higher police officials for fair and impartial investigation of the case and the petitioner – Gurjeet Singh has also filed CRM-M No.6319 of 2018, praying for fair and impartial investigation of the case and for obtaining the call detail record showing the location of the police officials, who were part of the raiding party in the present FIR. It is further submitted that the petitioners have also moved an application before the trial Court for obtaining the call detail record, which has been supplied to the petitioners. Counsel for the petitioners have heavily relied upon the call details of the petitioner – Gurjeet Singh and the police officials namely

ASI Jasbir Singh, Constable Rashpal Singh and SHO Sahib Singh to submit that as per the location and call details of all the 03 police officials, they were present in the area of village and Post Office Boparai (Amritsar) on 11.08.2017 at 19:45 and similar is the location of petitioner – Gurjeet Singh.

Counsel for the petitioners have further submitted that though, it will be a matter of defence evidence, to be decided during the course of trial, that the petitioners were picked up from their village in Amritsar on 11.08.2017 in evening and later on, they were brought to Naya Gaon in S.A.S. Nagar and involved in the present FIR on 12.08.2017 at 07:30 am, which makes a suspicion regarding the investigation of the case.

Counsel for the State, on instructions from ASI Jasbir Singh has submitted that since the recovery was effected in the presence of the Deputy Superintendent of Police namely Alam Vijay Singh, therefore, the police has complied with the mandatory provisions of Section 50 of the NDPS Act.

Without commenting anything on merits of the case and considering the fact that the petitioners are in judicial lock up since 12.08.2017; the petitioner – Gurjeet Singh @ Jeeta is not involved in any other case and also in view of the fact that the petitioners are in judicial lock up for the last about 10 months and 24 days and till date, no witness of the prosecution has been examined, these petitions are allowed and the petitioners namely Gurjeet Singh @ Jeeta and Gurcharan Singh @ Bunty are ordered to be released on bail subject to

their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioners are found involved misusing the concession of bail, in any manner.

12.07.2018
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No