

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6903-2019 (O&M)
Date of Decision: 19.08.2019

Gurmeet Singh		...Petitioner
	Versus	
Union of India and another		...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Vinod Ghai, Senior Advocate, with
Mr. Amrit Singh Kang, Advocate, for the petitioner.
Ms. Sharmila Sharma, Sr. Panel Counsel for NCB.
Mr. Pardeep Sharma, AAG, Haryana.

Amol Rattan Singh, J. (Oral)

By this petition, filed under Section 439 Cr.P.C., the petitioner seeks the concession of 'regular bail'.

Learned Senior counsel appearing for the petitioner submits that as a matter of fact all co-accused of the petitioner who earlier stood trial, other than one Sukhbir Singh, have been acquitted, as no recovery of the contraband (opium) was found to have been made from them, whereas the recovery was found to be from the aforesaid Sukhbir Singh.

He further submits that the petitioner has been implicated in the case primarily on the basis of a statement made by a co-accused upon him being summoned under Section 67 of the NDPS Act, 1985, which otherwise would not be admissible in evidence, it having been made before an officer of the respondent-Bureau.

Ms. Sharma, learned counsel for the respondent-Bureau, has filed a reply to the petition, in which other than giving the facts of the case,

it is stated that during the course of investigation, the petitioner was found to be involved in trafficking of a huge quantity of opium and was also found to be a member of a 'syndicate', and had played an active role in purchasing the opium in bulk from accused Sukhbir Singh and Lakhbir Singh, with the alleged recovery of the opium being 36.15 kilograms along with cash of Rs.19,40,000/-.

Learned counsel for the respondent-Bureau also submits that as regards the acquittal of Harbans Singh and Lakhbir Singh, co-accused, an appeal has been filed against such acquittal, which is still pending.

Mr. Ghai on the other hands points to the fact that the said co-accused were acquitted on the ground that other than the statement under Section 67 of the NDPS Act, nothing else could be “pinned” against them, as is reflected in paras 30 and 37 of the judgment of the trial court (Annexure P-2)

He further submits that in the first statement of the petitioner recorded under Section 67 of the NDPS Act, it was not even the case of the respondent-Bureau that he had implicated himself, whereas in the second statement which was recorded by the Bureau, when he was not on bail but was in custody, he is stated to have admitted his involvement in the crime.

The factual position could not be denied by the learned counsel appearing for the respondent-Bureau.

That being so, without making any comment on the actual merits of the case for or against the petitioner, this petition is allowed. The

petitioner would be enlarged on bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

(AMOL RATTAN SINGH)
JUDGE

19.08.2019

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Whether reasoned/speaking: Yes
Whether reportable: No