

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29238-2019 (O&M)
Date of decision: 20.09.2019

Gurdeep Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.35 dated 01.05.2019 under Sections 21, 25, 29 of NDPS Act, registered at Police Station Special Task Force, Phase IV, District SAS Nagar, Mohali.

While granting interim bail to the petitioner, following order was passed by this Court on 27.08.2019: -

“...Counsel for the petitioner submits that as per the allegations in the FIR, registered on secret information, five persons, namely, Raja Singh, Lovedeep Singh @ Deepu, Jajj Singh, Ranvinder Singh @ Raju and Gurdeep Singh are in the business of selling of heroin by conspiring with each other and they have connection with the smugglers from Pakistan and they were roaming in one

Innova Car No.PB-11-BA-0090 and if a nakabandi is done, they can be apprehended.

On receiving the information, the FIR was registered and, thereafter, the police apprehend two persons, namely, Raja Singh and Lovedeep Singh @ Deepu, who were coming in a car and recovered 1 kg. 100 gms. of heroin from their possession. Counsel for the petitioner further submits that except naming the petitioner in secret information, there is no other evidence against him as even in the disclosure statement of his co-accused Raja Singh, he disclosed that he alongwith other persons had brought 10 kgs of heroin, out of which 5 kgs. was dumped in a place at Jammu. It is also submitted that in the disclosure statement of Raja Singh, the name of co-accused Jajbir Singh was introduced. However, petitioner-Gurdeep Singh is not named by co-accused Raja Singh, therefore, his involvement in the FIR is not proved. Counsel for the petitioner has further submitted that the petitioner is the first offender and is not involved in any other case, except the present FIR.

Learned State counsel on instructions from ASI Bijender Singh has not disputed the factual position that the petitioner is not involved in any other case, except the present FIR. In the disclosure statement of co-accused Raja Singh, name of the petitioner has not surfaced...”

Learned counsel for the petitioner submits that in pursuance of the aforesaid order, petitioner has joined the investigation and is not required for

any further investigation.

Learned State counsel, on instructions from ASI Baljinder Singh, has not disputed the factual position and states that the petitioner is no more required for any further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 27.08.2019 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

20.09.2019

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[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No