

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-20310-2018

Date of decision: 20.01.2020

Gurwinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

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

Mr. Pawan Sharda, Sr. DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 438 Cr.P.C., prayer has been made for grant of anticipatory bail to petitioner-Gurwinder Singh, in case FIR No. 11 dated 14.03.2018, registered under Section 21 of the NDPS Act (Section 29 of the NDPS Act added lateron) and Sections 25 and 27 of the Arms Act at Police Station Khalra, District Tarn Taran.

According to prosecution, on 14.03.2018, co-accused of petitioner, namely; Balbir Singh, was apprehended with conscious possession of 9 kgs of heroin, one pistol, magazine and 25 live cartridges of different types. During interrogation, Balbir Singh disclosed that the pistol belongs to petitioner and the contraband recovered from him was also purchased by the petitioner from Pakistan. He further disclosed that co-accused Avtar Singh, real brother of petitioner-Gurwinder Singh, ran away from the spot along with one packet of heroin, who is yet to be arrested.

Learned counsel *inter alia* contends that petitioner was not apprehended at the spot. He has falsely been implicated on the disclosure statement suffered by co-accused-Balbir Singh, which is a very weak type of evidence. Balbir Singh, aforesaid has already been enlarged on bail. Final challan has already been presented before the trial Court. He is no more required for further interrogation.

On the other hand, learned State counsel vehemently refuting the submissions of learned counsel contends that six more cases of heinous nature, out of which two are under the NDPS Act, have been registered against the petitioner. He is a habitual offender. According to statement of Revenue Officer, the fields from where 9 kgs of heroin was recovered, was under lease of the petitioner. Statement of owner has also been recorded, who has corroborated the version of Revenue Officer.

Considering the seriousness of allegations levelled against the petitioner and the fact that he has been found involved in three cases under the NDPS Act, does not deserve the concession of anticipatory bail. Thus, interim bail granted to him vide order 14.05.2018, is recalled.

The instant petition, is dismissed, accordingly.

January 20, 2020

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(RAMENDRA JAIN)

JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No