

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

SAILESH RANJAN
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Crl. Misc. M-14464 of 2020
Date of decision: 24.07.2020

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Gurwinder Singh @ Gindu

....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. G.S Bajwa, Advocate,
for the petitioner.

Mr. J.P. Ratra, DAG, Punjab.

(Proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks regular bail in a petition filed under Section 439 Cr.P.C. in FIR No. 53 dated 01.03.2020 under Sections 21, 25, 29, 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 25 of the Arms Act, 1959 registered at P.S. Maqboolpura, District Amritsar.

Counsel for the petitioner has submitted that the petitioner has been nominated as an accused on the basis of the statement of the co-accused namely Prabhdeep Singh, who was apprehended at the spot on the basis of secret information. It is submitted that he was not named in the FIR and is in custody since 11.03.2020.

Counsel for the State, on the other hand, justifies the detention on the ground that the recovery is of 300 grams of heroin from the co-accused and the petitioner is alleged to have supplied 9 mm pistol and three live cartridges to the said co-accused. It is submitted that in another FIR

No. 47 of 2015, he was not found entitled for relief of bail. It is further submitted that the petitioner has six other FIRs lodged against him, out of which, 5 are pertaining to NDPS Act also. The custody certificate dated 14.07.2020 produced by the State would go on to show that the petitioner is on bail in FIR Nos. 20, 26, 39 and 231. Regarding FIR No. 47, he has also been directed to be released on bail on 27.04.2020 by the Additional Sessions Judge, Tarn Taran, photocopy of which has been brought on record. A perusal of the said order would also go on to show that it is a general FIR against 2 dozens suspects and was registered on 14.08.2015. Resultantly, bail was granted by the said Court. The custody certificate would also go on to show that the period of detention in the said case is nominal and that the quantity as such in the FIR was below the commercial and in such circumstances, it cannot be said that the registration of the said FIRs would dis-entitle the petitioner for the benefit of regular bail, specially keeping in view the fact that he was not arrested on the spot. The moot point that whether the petitioner is liable to be convicted on the statement of the co-accused would have to be gone into by the Trial Court.

Keeping in view the above, the petition is allowed. The petitioner be released on regular bail to the satisfaction of the Illaqua/Duty Magistrate, Tarn Taran.

24.07.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No