

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

CRM-M-22802-2020 (O&M)

Date of Decision:- 17.11.2020

Akashdeep Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kuljit Singh Bal, Advocate for the petitioner.

Mr. A.S.Sandhu, Addl. A.G. Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.3 dated 4.2.2020 under Sections 21/25/29 of NDPS Act at Police Station State Special Operations Cell Amritsar, District Intelligence Wing (CID).
2. It is the case of prosecution that one Vikramjit Singh @ Vicky who was in custody, being an undertrial in some other case, made a disclosure statement to the effect that Akashdeep Singh, Gurbir Singh, Simarjit Kaur and Balraj Singh indulged in smuggling of 'heroin' from across the border i.e. from Pakistan and that Akashdeep Singh and Gurbir Singh on the said day were carrying 'heroin' and in case a raid is conducted, they could be caught red-handed. It is further the case of prosecution that pursuant to the aforesaid information, the police swung into action and conducted raid at the nominated place where both Akashdeep and Gurbir were found. While 500

grams of '*heroin*' was found from the personal search of Gurbir Singh, the search of Akashdeep Singh yielded recovery of ₹300 only. It is further case of prosecution that the search of the motorcycle of Gurbir Singh, which actually belongs to a cousin of Gurbir Singh yielded recovery of another 500 grams of '*heroin*'. It is further the case of prosecution that upon interrogation, the said Gurbir Singh made a disclosure statement and got recovered another 2 kilograms of '*heroin*'.

3. The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and even as per the case of prosecution no recovery whatsoever of any contraband was ever effected from the petitioner.
4. The learned State counsel has not disputed the fact that no recovery was effected from the petitioner but has opposed the petition on the ground that he is specifically named in the FIR and that recovery of contraband had infact been effected from his co-accused. The learned State counsel, however, upon instructions from SI Vishal Rajput, has informed that the petitioner as on date has been behind bars since the last about 9 months and that he is not involved in any other case and that challan already stands presented.
5. Having regard to the facts and circumstances of the case, it will certainly be debatable as to whether the petitioner can be attributed conscious possession of the contraband recovered from the personal search of the co-accused or not. In any case, since the petitioner has been behind bars since the last more than 9 months and challan already stands presented, further detention of the petitioner will not serve any useful purpose.

6. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

17.11.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No