

In virtual Court

CRM-M-22913-2020

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

**CRM-M-22913-2020 (O&M)
Date of decision: 21.12.2020**

Jagtar Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vipul Jindal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.06 dated 06.05.2020 under Sections 21, 25, 27, 27-A, 29 of NDPS Act and Section 25 of Arms Act, registered at Police Station SSOC, District Amritsar.

Learned counsel for the petitioner submits that as per allegations in the FIR, one Gurpreet Singh @ Gopi was arrested in FIR No.36 dated 14.04.2020 under Sections 29 & 30 of NDPS Act, Police Station Gharinda, District Amritsar Rural. During the investigation, he got recovered USD 4600 along with Rs.1.84 lac of drug money. It is further stated that later on, during further investigation, the police found that said Gurpreet Singh @ Gopi was wanted in two FIRs i.e. FIR No.20 dated 15.12.2016 under Sections 21, 25, 29 of NDPS Act, Police Station State Special Operation Cell, Amritsar and FIR

No.21 dated 17.12.2016 under Sections 21, 25, 29 of NDPS Act and Section 489-A, B, C IPC, Police Station State Special Operation Cell, Amritsar. When he taken in custody in FIR No.21 by the State Special Operation Cell, Amritsar, Gurpreet Singh @ Gopi suffered disclosure statement about his link with Pakistani smugglers along with his associate Gurpreet Singh @ Billa and Dilbag Singh. Thereafter, present FIR No.06 dated 06.05.2020 was registered on the basis of disclosure statement of Gurpreet Singh @ Gopi and some firearms and Indian currency of Rs.23,61,500/- were recovered from his residence. Later on, the police arrested Dilbag Singh @ Chacha and 01 kg heroin and Rs. 24.70 lac Indian currency were recovered on the basis of his disclosure statement. Thereafter, name of one Gurwinder Singh @ Goldy surfaced on the basis of statement of Gurpreet Singh @ Gopi and Gurwinder Singh @ Goldy was arrested and again some firearms and live cartridges were recovered along with Rs.03.03 lac Indian currency.

Learned counsel for the petitioner further submits that petitioner Jagtar Singh was arrested on 23.05.2020 and during the investigation, the police found that one mobile sim was issued in the name of another co-accused Dilbag Singh for facilitating the smuggling. It is further submitted that later on, another accused Gurpreet Singh @ Sajan was arrested and some firearms were recovered. Learned counsel has referred to challan presented under Section 173 Cr.P.C. to submit that except recovery of Rs.550/- no incriminating material, much less any narcotic substance, was recovered from the petitioner. It is also submitted that the petitioner is in custody for the last six months and is not

involved in any other case. It is thus argued that only evidence against the petitioner is that a sim card issued in his name was found with co-accused Dilbag Sing.

Learned State counsel, on the basis of affidavit of DSP, SSOC, Amritsar filed in the connected petition i.e. CRM-M-22961-2020 filed by co-accused Gurpreet Singh @ Sajan (which has been withdrawn), has not disputed the investigation conducted so far by the police, however, it is submitted that the investigation qua Gurpreet Singh @ Sajan is still undergoing. He could not dispute the fact that from the petitioner, no drug money or narcotic substance was recovered and only evidence against him is recovery of sim car.

After hearing learned counsel for the parties, without commenting upon merits of the case and considering the fact that the petitioner is not involved in any other case and in view of the challan/report under Section 173 Cr.P.C., this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

21.12.2020
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No