

CRM-M-23078-2019

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

CRM-M-23078-2019
Date of Decision: 05.02.2020

Gurlal Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vipul Jindal, Advocate for
Mr. Sultan Singh Gill, Advocate,
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Short reply by way of affidavit of Sh. Gurpartap Singh, PPS, Deputy Superintendent of Police, Sub Division Attari, Amritsar Rural, on behalf of the respondent-State, has been filed in the Court today. The same is taken on record.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.217 dated 05.11.2018, registered at Police Station Lapoke, District Amritsar Rural, Amritsar (Rural), under Section 25 of the Arms Act, 1959, Section 14 of Foreigners Act 1946, Section 3 of the Indian Passport Act, 1920 and Section 3 of the Official Secrets Act, 1923.

Learned counsel for the petitioner contends that the petitioner

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had been falsely implicated in the present case, as he had no role to play. On 05.11.2018, one Gulam Rasool was arrested on Indo-Pak Border, alongwith one carbine, magazines, live cartridges and one lighter. During interrogation, he had disclosed the name of one Dheer Singh, who had already been lodged in jail at Amritsar. On production warrant and interrogation, Dheer Singh had named one Ex-ASI Ranjit Singh, who had also been lodged in jail at Amritsar. During interrogation, Ex-ASI Ranjit Singh disclosed that he had asked Dheer Singh to send a person so that heroin could be smuggled from Pakistan, and Dheer Singh had asked from Gurlal Singh (petitioner), who had referred the name of Kuldeep Singh.

On the other hand, learned State counsel opposes the prayer made in the present petition, and states that recovery of USA made carbine, live cartridges etc. was effected from Gulam Rasool, who had been arrested from the border, and Dheer Singh is the relative of the present petitioner.

I have heard the learned counsel for the parties.

The allegation against the petitioner is that he had informed Dheer Singh, on phone and referred the name of Kuldeep Singh.

It is a case that no other case is pending against the petitioner, who is 19 years of age.

Challan has already been presented. The petitioner has been in custody since 16.11.2018. However, no mobile phone has been recovered from the petitioner which could connect him with the other co-accused. Moreover, the trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

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In view of the above, without commenting anything on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

05.02.2020

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Note:	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No