

CRM-M-25346-2020

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

CRM-M-25346-2020

Date of decision: 03.09.2020

Gurnihal Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vipin Mahajan, Advocate,
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Custody certificate by way of affidavit of the Superintendent, Central Jail, Gurdaspur, has been filed through e-mail. Print out of the same is taken on record.

Through this petition, the petitioner seeks regular bail in case FIR No.57 dated 29.07.2020, registered at Police Station Kotli Surat Mallian, Police District Batala, District Gurdaspur, under Section 21(b) and 29 NDPS Act, 1985 and Section 25 of the Arms Act, 1959.

Learned counsel for the petitioner contends that the petitioner has been indicted on the basis of a disclosure statement suffered by co-accused, Major Singh and one country-made pistol had been recovered on the disclosure statement of the petitioner. In the disclosure statement, co-accused, Major Singh, has further stated that the petitioner had fired a gunshot from his pistol in the fight which had taken place with his uncle's son,

and accordingly, the present petitioner has been indicted in the present

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case. There is no complaint or FIR got registered by the cousin of Major Singh with regard to the alleged occurrence i.e. regarding firing of a gun-shot by the petitioner at any stage.

On the other hand, learned State counsel opposes the prayer made in the present petition and submits that recovery of pistol had been effected from the petitioner. He, on instructions from SI Mohinder Singh, has categorically stated that there is no involvement of the petitioner in the recovery of 7-gram of heroin.

I have heard the learned counsel for the parties.

The petitioner has been indicted on the disclosure statement of co-accused that once upon a time, the petitioner had a fight with his uncle's son and fired a gun-shot at him. However, the fact remains that no FIR has ever been got registered by the cousin of Major Singh regarding that occurrence. The petitioner is not involved in the recovery of 7-gram of heroin, effected from co-accused, Major Singh.

Moreover, the petitioner has been in custody since 31.07.2020. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, 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.

03.09.2020

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No