

CRM-M-36545-2020

Date of decision : 16.11.2020

Gursewak Singh

..... Petitioner (s)

Versus

State of Punjab

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. G.S. Sandhu, Advocate
for petitioner.

Mr. Sidakmeet Singh Sandhu, DAG Punjab.

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HARINDER SINGH SIDHU, J.

The case is taken up through video conferencing on account of COVID 2019.

This is a petition filed under Section 439 Cr.P.C. for grant of bail in case FIR No. 103 dated 29.4.2019, registered under Sections 21, 29 of NDPS Act, 1985 and under Sections 42, 52 A of Prison Act, 1894 at Police Station City Faridkot, District Faridkot.

Present case was initiated on a letter written by Assistant Superintendent, Central Jail, Faridkot on 29.4.2019 to SHO, Police Station City Faridkot wherein it is alleged that on 29.4.2019 at about 9.09 am, Constable Gurpreet Singh entered jail for taking prisoner. He asked prisoner Gursewak Singh (petitioner) about whereabouts of inmate Angrej Singh. Gursewak Singh (petitioner) informed that Angrej Singh was coming. Then, Gurpreet Singh (employee) handed over one packet to Gursewak Singh (petitioner) and told him to deliver same to Angrej Singh. Later, when Angrej Singh came, Gursewak Singh (petitioner) handed over said packet to him. On being searched, Angrej Singh was found to be in possession of 100 grams heroin. Angrej Singh stated that said packet was delivered to him by Gursewak Singh (petitioner) and it was to be delivered to Gurpreet Singh.

Learned counsel for petitioner contends that recovery was not effected from petitioner. He is sought to be implicated only on the basis of disclosure statement made by Angrej Singh. It is argued that Constable Gurpreet Singh who had brought the packet has already been granted concession of interim anticipatory bail by this Court, vide order dated 26.8.2019, passed in CRM-M-23262-2019.

Keeping in view the facts and circumstances of case and without expressing any opinion on merit of case, in my opinion, no useful purpose will be served by detaining petitioner behind bars any further. Petition as such is accepted. Petitioner Gursewak Singh is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(HARINDER SINGH SIDHU)
JUDGE

16.11.2020

sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No