

203+204

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-3385-2020

Date of Decision: 29.07.2021

DEEPAK SINGH @ DEEPU

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

(ii) CRM-M-11761-2020

BILLA ALIAS RESHAM ALIAS GORA

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present : Mr. D. S. Gandhi, Advocate
for the petitioner in CRM-M-3385-2020.

Mr. Naveen Bawa, Advocate
for the petitioner in CRM-M-11761-2020.

Mr. Ajay Pal Singh Gill, AAG, Punjab
assisted with ASI Gurcharan Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (ORAL)

1. This order shall dispose off aforesaid two petitions i.e. CRM-M-3385-2020 filed on behalf of the petitioner-Deepak Singh @ Deepu and CRM-M-11761-2020 filed on behalf of the Billa @ Resham @ Gora seeking grant of anticipatory bail in respect of a case registered against them

vide FIR No.323, dated 02.12.2019 registered at Police Station Sadar Amritsar, District Amritsar, under Sections 21 and 29 of NDPS Act.

2. As per the case of the prosecution, one Lovepreet Singh was found in conscious possession of 50 grams heroine. During the course of interrogation, he disclosed that he had purchased the said contraband from Deepak and was to be supplied to Billa @ Resham @ Gora.

3. Learned counsel for the petitioner/s have submitted that they have falsely been implicated in the instant case and that no recovery whatsoever was ever effected from them and have been nominated solely on the basis of disclosure statement of accused Lovepreet Singh, the admissibility and veracity of which would be debatable.

4. On the other hand, learned State counsel has opposed the petition/s on the ground that since the accused from whom the contraband was recovered has nominated both the petitioners during the course of his interrogation, the complicity of the petitioners is clearly evident particularly in view of the antecedents of petitioner Deepak, who happens to be involved in 4 other cases including 2 registered under the NDPS Act. Learned State counsel has, however, informed that pursuant to interim directions issued by this Court, both the petitioners have since joined investigation and are not required for any custodial interrogation.

5. Having regard to the aforestated position wherein the recovered contraband would fall within the category of 'non-commercial' quantity and that the petitioners have already joined investigation and were not arrested

at the spot, both the petitions merit acceptance and are hereby accepted. The interim directions issued by this Court vide orders dated 27.01.2020 in CRM-M-3385-2020 and 20.03.2020 in CRM-M-11761-2020 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

29.07.2021

Ali

**(GURVINDER SINGH GILL)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No