

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

I) CRM-M-5188-2021 (O&M)

Mandeep Singh ... Petitioner

Versus

State of Punjab ... Respondent

II) CRM-M-8872-2021 (O&M)

Raj Kumar @ Biri ... Petitioner

Versus

State of Punjab ... Respondent

III) CRM-M-19731-2021 (O&M)

Gurmeet Singh @ Meet ... Petitioner

Versus

State of Punjab ... Respondent

Date of Decision:-7.12.2021

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. L.S. Sekhon, Advocate for
Mr. Varinder Basa, Advocate,
for the petitioner in CRM-M-5188-2021.

Ms. Manjot Kaur, Advocate for
Mr. S.S. Gill, Advocate,
for the petitioner in CRM-M-8872-2021.

Mr. KVS Ahluwalia, Advocate,
for the petitioner in CRM-M-19731-2021.

Mr. Harbir Sandhu, AAG, Punjab,
assisted by ASI Iqbal.

GURVINDER SINGH GILL, J.(Oral)

1. This order shall dispose of the above mentioned three petitions filed on behalf of petitioners Mandeep Singh, Raj Kumar @ Biri and Gurmeet Singh @ Meet seeking grant of regular bail in respect of a case registered vide FIR No.178 dated 24.11.2020 at Police Station Rangar Nangal, District Gurdaspur, Punjab under Sections 21, 22 of Narcotic Drugs & Psychotropic Substances Act and Section 25 of Arms Act.
2. The FIR in question was lodged on the basis of secret information received by the police on 24.11.2020 to the effect that Raj Kumar @ Biri, Gurmeet Singh @ Meet, Mandeep Singh, Baljit Singh @ Gola alongwith some women and other young persons had constituted a *gang* and they sell drugs to youths at fairs and that they also carry deadly weapons and move about in cars and also indulge in stealing motorcycles, pursues, gold valuables etc. The information was further to the effect that even on the given day they were present at a fair at Shri Achal Sahib in a Swift Dzire car bearing registration No.PB-31-Q-2045 and had parked rest of their vehicles at some other place. Pursuant to receipt of the said information, a raid was conducted and the police was able to nab all the four persons. It is further the case of

prosecution that 8 grams of 'heroin' was recovered from the car. The petitioner Raj Kumar @ Biri was also found in possession of .32 bore revolver. It is further the case of prosecution that during the course of interrogation, the accused suffered disclosure statements pursuant to which 3 other cars were recovered. It is also alleged that the co-accused Baljit Singh @ Gola, pursuant to his disclosure statement, led to recovery of 502 tablets of 'Tramadol' (187 grams). One .315 bore country made pistol is also stated to have recovered from Baljit Singh @ Gola. Even from petitioner Mandeep Singh, a 12 bore country made pistol is stated to have been recovered.

3. Learned counsel for the petitioners have submitted that the petitioners have falsely been implicated in the present case and that, in any case, even if the allegations as levelled in the FIR pertaining to recovery of 8 grams of 'heroin' from the car, are taken to be correct, the same would fall in the category of 'non-commercial' quantity and it will be debatable as to whether all the accused can be attributed conscious possession of the same. It has also been submitted that even the recovery of 502 tablets of 'Tramadol' from co-accused Baljit Singh @ Gola (non-applicant) would fall in the category of 'non-commercial' quantity. Learned counsel have submitted that the petitioners, in any case, have been behind bars since the last more than 1 year and since identically situated co-accused namely Baljit Singh has already been granted bail by a Coordinate Bench of this Court, the petitioners also deserve the same concession on grounds of parity.
4. Opposing the petition, learned State counsel has submitted that since the petitioners are specifically named in the FIR and there are specific allegations against them, which stand substantiated from recovery of

contraband, stolen vehicles and country made weapons, no case for grant of bail is made out. Learned State counsel has, however, not disputed that the petitioners have been behind bars since the last more than 1 year. It is also not disputed that an identically situated co-accused Baljit Singh has been granted bail vide order dated 29.7.2021 passed in CRM-M-15163 of 2021 by a Coordinate Bench of this Court.

5. Having regard to the aforestated position particularly the fact that the petitioners have been behind bars for a substantial period of more than 1 year and identically situated co-accused has already granted bail, all the three petitions are accepted, and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
6. A photocopy of this order be placed on the file of each connected case.

7.12.2021

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No