

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

CRM-M-9060-2021

Date of Decision: 02.03.2021

Baldev Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Paramjit Singh Jammu, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Harpreet Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.19 dated 20.12.2020 at Police Station SSOC Amritsar, District Amritsar, under Sections 21/22/23-C/24/25/29 of the NDPS Act.
2. The FIR in question was lodged on the basis of a secret information to the effect that Jaswinder Singh @ Kala, Harwinder Singh, Baldev Singh, Mangjit Singh and Gurpreet Singh @ Billa have association with a famous smuggler by the name of Rana and other smugglers based in Pakistan and that they received huge quantity of heroin from across the border. The information was further to the effect that on 20.12.2020, they were bringing huge quantity of heroin through the border. It is further the case of the

prosecution that the petitioner was apprehended by the police on the next day i.e. 21.12.2020. However, no recovery was effected from him. Thereafter, on the next day i.e. 22.12.2020, Jaswinder Singh and Mangjeet Singh were apprehended by the police along with a tractor and 2 Kg. of heroin was recovered from them.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case on account of political rivalry in the village, as he happens to be an Ex-sarpanch of the village. It has further been submitted that in any case no recovery whatsoever was ever effected from the petitioner and as such, he deserves the concession of bail.
4. Opposing the petition, learned State counsel has submitted that since the name of the petitioner specifically figures in the FIR, no case for grant of bail is made out. Learned State counsel has, however, could not dispute the fact that no recovery whatsoever was effected from the petitioner. It has also been informed that the petitioner is not involved in any other case and that as on date he has been behind bars since the last about 2 months.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view the fact that no recovery was ever effected from the petitioner, who has a clean record and has been behind bars since the last about 2 months, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail

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bonds/surety bonds to the satisfaction of learned trial Court/Chief
Judicial Magistrate/Duty Magistrate concerned.

02.03.2021
Vimal

(GURVINDER SINGH GILL)
JUDGE

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