

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

CRM-M-9932-2021 (O&M)

Date of Decision:- 26.3.2021

Gurpinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vipul Jindal, Advocate, for the petitioner.

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

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

CRM-9309-2021

In view of the reasons mentioned in the application, the same is allowed and Annexure P-5 to P-7 are taken on record subject to all just exceptions.

CRM-M-9932-2021 (O&M)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.202, dated 14.12.2020, Police Station Gharinda, District Amritsar, under Sections 411, 414, 420, 465, 467, 468, 473 of IPC; Section 25 of Arms Act; Sections 18, 21, 23 of NDPS Act as well as Sections 10, 11, 12 of Aircraft Act.
2. As per the case of prosecution, the police received a secret information on 14.12.2020 to the effect that Bachittar Singh, Lakhbir

Singh, Gurbinder Singh in connivance with some unknown persons had constituted a gang and indulged in smuggling of 'Heroin' and arms and ammunition from Pakistan across the international border through drones and supply the same in India. The information was further to the effect that on the said date, Bachittar Singh and Lakhbir Singh were proceeding in a white coloured Scorpio car bearing registration No. HR-35M-3709 for supplying the arms and ammunition smuggled from Pakistan to their customers. Pursuant to receipt of said information, barricading was held and the vehicle in question was intercepted and Bachittar Singh and Lakhbir Singh were apprehended. It is the case of prosecution that 50 grams of 'Opium' was recovered from Bachittar Singh and 10 grams of 'Heroin' was recovered from Lakhbir Singh apart from arms and ammunition. It is further the case of prosecution that during the course of interrogation the aforesaid two accused disclosed that the drones which have been used for smuggling the contraband and arms etc. had been procured through Lucky Dhawan and Lucky Dhawan further disclosed the name of petitioner as the supplier of drones.

3. Learned counsel for the petitioner has submitted that although as per FIR a secret information is alleged to have received against the petitioner as well as the other co-accused Bachittar Singh and Lakhbir Singh that they indulged in smuggling of Heroin and arms, but it is only Bachittar Singh and Lakhbir Singh who are alleged to be proceeding in a vehicle for the purpose of supplying arms and ammunition and both of whom were apprehended and from whom 50

grams of 'Opium' and 10 grams of 'Heroin' was recovered apart from one revolver and one pistol.

4. Learned counsel for the petitioner has submitted that apart from the petitioner being named on the basis of a secret information there is nothing to connect him with the alleged smuggling.
5. On the other hand, learned State counsel has submitted that since the name of the petitioner specifically figures in the FIR and the co-accused were found in possession of contraband and arms, the secret information virtually stands substantiated. It has further been submitted that during the course of investigation it has been found that the petitioner had furnished a fake ID to another co-accused Arshdeep Singh to facilitate purchasing drone and that in these circumstances, no case for grant of anticipatory bail is made out. Learned State counsel has however, informed that the petitioner is not wanted in any other case.
6. I have considered rival submissions addressed before this Court.
7. It is not in dispute that the petitioner was never ever apprehended along with the co-accused who are stated to have been found in possession of contraband. The only evidence with the prosecution is in the shape of the alleged secret information which can hardly form the basis for determining the guilt of the accused. The other piece of evidence which the prosecution claims to have is that there is information to the effect that the petitioner had furnished fake identity to another co-accused Arshdeep. The petitioner in any case is not stated to be involved in any other case. Having regard to the

aforestated facts and circumstances, the instant case is not such where custodial interrogation is warranted particularly when the petitioner is stated to have clean antecedents. The petition, as such, is accepted and the petitioner in the event of arrest shall be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

March 26, 2021

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No