

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

CRM-M-10243-2021 (O&M)

Date of Decision: 10.03.2021

Har minder Singh @ Harwinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Vipin Mahajan, Advocate, for the petitioner.

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

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.19 dated 20.12.2020 at Police Station SSOC, 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 the case of prosecution

that in pursuance to said information, the police apprehended Jaswinder Singh and Mangjit Singh on 22.12.2020 along with a tractor from which 2 Kgs. of heroin was recovered. It is further the case of the prosecution that the petitioner was apprehended by the police on 02.01.2021. However, no recovery was effected from him.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and that in any case even as per the case of the prosecution neither the petitioner was arrested at the spot when recovery was effected from co-accused nor any recovery is alleged to have been effected from the petitioner when he was arrested on 02.01.2021.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is a member of a gang, which indulged into smuggling of drugs from across the border, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about more than 2 months and that he is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner was never arrested from the spot from where recovery was effected from co-accused and that even when the petitioner was arrested, he was not found in possession of any contraband and while also noticing the fact that the petitioner has been behind bars since the last more than 2 months and that he is not involved in any other case, 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 bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.03.2021
Vimal

(GURVINDER SINGH GILL)
JUDGE

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