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

**CRM-M No.11569 of 2021
Date of Decision: 24.11.2021**

GULSHAN RAMANI

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. G.S. Kaura, Advocate
for the petitioner.

Ms. Jasleen Kaur, Asstt. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.118 dated 17.09.2020 registered under Section 22 (Section 29 added later on) of the NDPS Act at Police Station Dehlon, District Ludhiana.

FIR was lodged on the basis of secret information to the effect that Ranjeet Singh and Damanpreet Singh were involved in running illicit business of selling drugs and sharing the profits. They were also involved in numerous cases. On the day of receiving secret information, they were going in a car from Dehlon to Shimlapuri, Ludhiana to supply drugs to the

customers. The secret information was found to be trustworthy and FIR was registered. Thereafter, a naka was installed and car was apprehended, from which accused Ranjeet Singh and Damanpreet Singh were apprehended with huge quantity of contraband.

During course of investigation, Damanpreet Singh is alleged to have made a disclosure statement on 20.09.2020 to the effect that he has been depositing money in the accounts of Gulshan Ramani (petitioner) and Arjun Dev in Axis Bank ATM at Sahewal. On the basis of disclosure statement of Damanpreet Singh, co-accused Gulshan Ramani (petitioner) and Arjun Dev were also arrested from Alwar. Damanpreet Singh also made a disclosure statement on 09.10.2020 disclosing name of Prem Rattan to the extent of procuring the drugs from him. On the basis of disclosure statement, Prem Rattan was also arrested on 09.10.2020. No contraband was recovered from Gulshan Ramani (petitioner) and Arjun Dev.

During course of investigation, Prem Rattan is also alleged to have made disclosure statement and in pursuance thereof, the police has raided his his premises and recovered contraband from the basement of rented house and his house.

Learned counsel for the petitioner submits that no recovery has been effected from the petitioner. Petitioner has been implicated on the basis of disclosure statement of co-

accused Ranjeet Singh and Damanpreet Singh. The complicity of the petitioner based on the disclosure statement of the co-accused would remain debatable, particularly when no recovery has been effected from him. Petitioner is in custody since 07.10.2020.

Learned counsel further submits that the original accused namely Ranjeet Singh and Damanpreet Singh were arrested on the basis of secret information and recoveries were also effected from their possession and car, still mandatory compliances in terms of Sections 42 and 50 of the NDPS Act have not been made.

On the other hand, learned State counsel opposed the bail on the ground that recovery made in this case is commercial in nature.

Since the challan has been presented, therefore, the complicity of the petitioner based on disclosure statement of co-accused would remain debatable.

Keeping in view the totality of facts and circumstances of the case and in view of the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular bail, without adverting to the merits of the case,

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing

adequate and heavy bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

November 24, 2021

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No