

In virtual Court

CRM-M-13368-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-13368-2021 (O&M)  
Date of decision: 26.03.2021

Gurpreet Singh @ Sajan

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Joginder Pal Ratra, DAG, Punjab.

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**ARVIND SINGH SANGWAN, J. (ORAL)**

This is 2<sup>nd</sup> petition for grant of regular bail in FIR No.06 dated 06.05.2020 under Sections 21, 25, 29, 27A of NDPS Act and Section 25 of Arms Act, registered at Police Station State Special Operation Cell, Amritsar; earlier one was dismissed as withdrawn on 21.12.2020.

Learned counsel for the petitioner submits that new ground for filing this second petition is that now the supplementary challan stands presented. Learned counsel, with reference to the supplementary challan, has submitted that the allegations in the FIR are that co-accused Gurpreet Singh @ Billa and Kuldeep Singh @ Babbu were arrested with the allegation of their

involvement in Indo-Pak border smuggling and some consignment of arms and heroin were recovered from them. It is further submitted that subsequent to their arrest, the police recorded a sequence of disclosure statements and in pursuance thereof, some recoveries were effected. It is also submitted that when co-accused Gurpreet Singh @ Gopi was arrested, as per his confession, the police party recovered one 9 mm pistol along with two magazines and two cartridges and another recovery of one pistol and ammunition was effected. Thereafter, the police recovered a mobile phone and Rs.23.00 lacs, which is stated to be drug money.

Learned counsel for the petitioner has further submitted that on disclosure statement of co-accused Gurpreet Singh @ Gopi, the police took him to a house, where one person was found hiding and he was identified as Dilbagh Singh @ Bagga and from him, 1 kg 64 grams heroin was recovered and from another place, Rs.24,70,000/- of drug money along with a mobile phone was recovered. On personal search of Dilbagh Singh, Rs.200/- were recovered. On 12.05.2020, the Investigating Officer operated the account of Gurpreet Singh @ Gopi and approximately Rs.14.00 lacs were found deposited. Thereafter, on 12.05.2020, on the basis of disclosure statement of Gurpreet Singh @ Gopi, names of Jagtar Singh, Gurwinder Singh @ Goldy and petitioner Gurpreet Singh @ Sajan were surfaced. It is also submitted that the police, thereafter, on 18.05.2020, received a secret information that Gurwinder Singh @ Goldy is coming to meet his accomplice and he was nabbed and 30 bore pistol along with ammunition was recovered from him. Thereafter, he took the police party

to the resident of his aunt, from where Rs.3.00 lacs of drug money and some ammunition were recovered. Further, on 23.05.2020, the police received an information that co-accused Jagtar Singh is coming to meet his accomplice and the police party apprehended him and recovered one mobile phone and a motorcycle. Thereafter, on 27.05.2020, the police again received an information that petitioner Gurpreet Singh @ Sajjan is coming to meet his accomplice and the police arrested him and recovered 30 bore pistol along seven cartridges. From personal search of the petitioner, Rs.1200/- were recovered.

Learned counsel has argued that as per supplementary challan now presented, it would be apparent that the police, on different dates, on receiving secret information, was proceeding against all the accused and it will be a matter of trial whether such investigation in one FIR was legally justified, as in the subsequent recovery, no procedure under Section 50 of NDPS Act was followed, as the recovery was only of a weapon, for which a primary charge against the petitioner will be under Section 25 of Arms Act. It is further argued that the petitioner is in custody for the last 09 months and 23 days and co-accused Jagtar Singh, who had been arrested in a similar confession, has already been granted the concession of regular bail vide order dated 21.12.2020 passed in CRM-M-22913-2020.

Learned State counsel, on the basis of custody certificate dated 26.03.2021 filed in the Court today, has not disputed the factual position.

Without commenting anything on merits of the case, considering the aforesaid facts and the evidence, which is yet to come during the trial and

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also considering custody of the petitioner and his non-involvement in any other case under NDPS Act, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

**[ ARVIND SINGH SANGWAN ]**  
**JUDGE**

26.03.2021  
*vishnu*

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No