

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

CRM-M-18758-2021

Date of Decision: 24.05.2021

Vikramjit Singh @ Vicky

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Kuljit Singh Bal, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Paramjit 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.03 dated 04.02.2020 at Police Station State Special Operations Cell Amritsar,, District Intelligence Wing (CID), under Sections 21/25/29 of the NDPS Act.
2. It is the case of prosecution that the petitioner, who was in custody, being an under-trial in some other case, made a disclosure statement to the effect that Akashdeep Singh, Gurbir Singh, Simarjit Kaur and Balraj Singh indulged in smuggling of 'heroin' from across the border i.e. from Pakistan and that Akashdeep Singh and Gurbir Singh on the said day were carrying 'heroin' and in case a raid is conducted, they could be caught red-handed. It is further the case of prosecution that pursuant to the aforesaid

information, the police swung into action and conducted raid at the nominated place where both Akashdeep and Gurbir were found. While 500 grams of '*heroin*' was found from the personal search of Gurbir Singh, the search of Akashdeep Singh yielded recovery of Rs.300/- only. It is further case of prosecution that the search of the motorcycle of Gurbir Singh, which actually belongs to a cousin of Gurbir Singh, yielded recovery of another 500 grams of '*heroin*'. It is further the case of prosecution that upon interrogation, the said Gurbir Singh made a disclosure statement and got recovered another 2 kilograms of '*heroin*'.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and even as per the FIR itself, the petitioner was confined in jail when he is alleged to have made a statement pertaining to involvement of his co-accused and that Akashdeep Singh and Gurbir Singh on the given day were carrying 'heroin' and could be caught red-handed. Learned counsel has further submitted that it is absolutely impossible for the petitioner, who was confined in jail to have access to any information with respect to the movements of his co-accused outside the jail.
4. Opposing the petition, learned State counsel has submitted that since the information furnished by the petitioner led to arrest of his co-accused Akashdeep Singh and Gurbir Singh and who were caught red-handed while in possession of 500 grams of 'heroin', no case for grant of bail is made out. Learned State counsel has further pointed out that in fact subsequently upon interrogation, co-accused Gurbir Singh got recovered another 2 Kgs. of 'heroin',

which fully substantiates the allegations levelled in the FIR. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 15 months and that he is involved in 8 other cases including 1 case under NDPS Act.

5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case particularly the fact that the allegation against the petitioner is to the effect that he has furnished information while confined in jail, which is a matter to be debated, as normally the inmates in the jail would not have any access to any phone or other means of communication and also while noticing that the petitioner has been behind bars since the last about 15 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 bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

24.05.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

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