

CRM-M-22341-2021

Date of Decision: 29.06.2021

Gulwinder Singh @ Galwinder Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

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

Mr. Sidakmeet Sandhu, A.A.G, Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

This petition has been filed under the provisions of Section 439 of the Cr.P.C., for grant of 'regular bail' to the petitioner in case FIR No. 29, dated 21.04.2021, registered at Police Station Dera Baba Nanak, Police District Batala, for the alleged commission of offences punishable under the provisions of Sections 21/23/25/27(A)/29 of the NDPS Act, 1985.

Learned counsel for the petitioner submits that the first part of the FIR refers to some secret information to the effect that the petitioner and his brother and some other persons were involved in smuggling drugs from Pakistan in collusion with the Pakistani drug pedlars etc., but what is eventually shown to be recovered in the FIR is 50 grams of heroin, not from the car in which the petitioner was allegedly travelling but from beneath the drivers' seat of the other car which is stated to have been also stopped alongwith the petitioners' car.

Neither from the petitioners' person nor from the car in which the petitioner was travelling, any recovery of any contraband was made and

in fact his contention is that the petitioner was not even apprehended at the spot where he is shown to have been apprehended and in fact was picked up from his home on the same date as shown in the FIR, i.e. 21.04.2021, in the morning.

Learned State counsel reiterates the contents of the FIR and submits that in these circumstances the petitioner should not be admitted to bail with there being another case also registered against him under the provisions of the NDPS Act, 1985.

Having considered the matter, looking at the entire circumstances and the fact that only 50 grams of heroin are alleged to have been recovered from a car in which the petitioner was not travelling but which is alleged to have been stopped along with the car in which the petitioner was travelling, which is well below commercial quantity of heroin, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate, concerned.

June 29, 2021

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Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)

JUDGE

Yes

No.