

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

CRM-M-21372-2020
Date of Decision : 07.04.2021

Govind Singh @ Gobind Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Sanjiv Gupta, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is a petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 76 dated 23.04.2020 under Sections 21, 22 and 29 of the NDPS Act, 1985; Section 25 of the Arms Act, 1959 and Section 188 and 270 of the IPC registered at Police Station Kotwali Bathinda, District Bathinda, Punjab.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police party apprehended 03 persons, namely Harwinder Singh @ Babbu, Vinod Sharma @ Kala and Sandeep Singh, on suspicion that they are carrying intoxicant substance and, thereafter, by giving a notice under Section 50 of the NDPS Act, the recovery of intoxicant substance was effected from them.

During investigation, on 23.04.2020, the disclosure statement of Navdeep Sharma @ Rocky was recorded, in which he stated that he came in contact with Sandeep Singh, who is a police employee, along with his friend Vinod Sharma @ Kala, who brings heroin from Delhi and supply it to one Govind Singh @ Gobind Singh (petitioner) and Veeru. Thereafter, the petitioner

along with co-accused Veeru was nominated in the present FIR. Thereafter, when the police party reached near the village of the petitioner, two young persons were seen carrying a bag, one person was Govind Singh @ Gobind Singh (petitioner), who was already nominated as an accused, and both of them were apprehended and on search of the bag, which was carried by Govind Singh @ Gobind Singh (petitioner), 1500 tablets of Clovidol-100 SR were recovered along with a country made pistol of .32 bore and 05 rounds of .32 bore bullets were also recovered from the petitioner and from the other accused 15 grams of heroin were recovered.

Learned counsel for the petitioner further submits that the person, from whom the recovery was 15 grams of heroin, has already been released on bail, whereas the petitioner, who was nominated on the disclosure of co-accused and was arrested, has not been granted concession of bail primarily on the ground that he is involved in some other FIRs under the provisions of IPC, however, none of the FIR is under the NDPS Act.

Learned State counsel, on the basis of affidavit filed by the Deputy Superintendent of Police, City-1, Bathinda, has not disputed the factual position as well as the fact that the petitioner was nominated on the disclosure of co-accused Navdeep Singh, thereafter, the petitioner was arrested along with the other accused when recovery was effected.

I have heard learned counsel for the parties.

Without commenting on the merits of the case and considering the fact that the petitioner is in judicial custody for the last about 11 months and 11 days; conclusion of trial is likely to take a long time and also in view of the fact that petitioner is not involved in any other case under the NDPS Act, though he is involved in some cases under the provisions of IPC, in which he is on bail, the

instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

07.04.2021

Waseem/Chetan

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No