

In the High Court of Punjab and Haryana at Chandigarh

233-2

CRM-M-29430-2021 (O & M)

Date of Decision: December, 02, 2021

GURMEET SINGH @ KALA DHANOULA

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Vinod Ghai, Senior Advocate with
Mr. Edward Augustine George, Advocate and
Ms. Mahima Dogra, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking regular bail in FIR No.68 dated 28.05.2021, under Sections 399 and 402 IPC and Section 25 of the Arms Act (later on added Sections 21 and 29 of the NDPS Act), registered at Police Station Tappa Mandi, District Barnala.

Learned counsel for the petitioner contends that FIR is based on secret information. The petitioner is neither named in the secret information nor in the FIR. He has been arraigned as an accused on the statement of co-accused Gurpreet Singh @ Ghugi. It is alleged that 05 persons including Gurpreet Singh @ Ghugi were arrested and from their possession 323 grams of heroin, one country made pistol, one pistol used for killing birds, one kirch, one gandasi, one punch L type and two motorcycles were recovered. No recovery has been effected from the petitioner even after his arrest in the instant case. The petitioner belongs to the party in opposition and had himself remained as Vice President of Municipal Council, Dhanaula. When the petitioner was released in one case, he was involved in another one. He further

contends that the petitioner is involved in several other cases but no other case under the NDPS Act. The petitioner is in custody for almost 06 months.

Learned State counsel has filed custody certificate which indicates that the petitioner is in custody for 05 months and 25 days. He upon instructions from SI Jaswinder Singh states that the petitioner is involved in several other cases. He, however, is not in a position to controvert the submission of the learned counsel for the petitioner that no recovery has been effected from the petitioner in this case.

Heard.

In view of the above, especially when no recovery has been effected from the petitioner, he is neither named in the secret information nor in the FIR, he has been arraigned as an accused on the statement of co-accused Gurpreet Singh @ Ghugi, he is in custody for almost 06 months, Covid 19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

At the time of release of the petitioner, the SHO of the Police Station Tappa Mandi, District Barnala shall be informed and the petitioner shall furnish his mobile number to him. He shall keep the location of his phone on till the conclusion of the trial.

(ANUPINDER SINGH GREWAL)
JUDGE

December, 02, 2021
A.Kaundal

Whether speaking/ reasoned : Yes/No
Whether Reportable : Yes/No