

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

**Criminal Misc. No.M-38479 of 2021(O&M)**

**Date of Decision: October 12, 2021**

Gursahib Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

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Present: - Mr.D.S.Pheruman, Advocate for the petitioner.

Mr.Sarabjeet Singh Cheema, AAG, Punjab.

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**HARINDER SINGH SIDHU, J.**

The petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.105 dated 08.07.2021 under Section 21(c) and 29 of the NDPS Act, Police Station Sadar Tarn Taran, District Tarn Taran.

The allegations in the FIR are that a secret information was received by the Police that Gursahib Singh @ Bhola (petitioner) and Bhupinder Singh, who had their residential house in the field were engaged in selling of Heroin on a large scale. They were going to their house on a motorcycle. If raid is conducted at their farm house, they could be apprehended along with Heroin.

On receipt of this information, a Police party started for the farm house. When they reached near the farm house, they saw two persons trying to escape on a motorcycle. They were apprehended. The petitioner was the rider and his co-accused Bhupender was the pillion rider. The pillion rider was found carrying a polythene bag, which was found to contain 300 grams of Heroin.

Ld. counsel for the petitioner has argued that the allegations are totally false. In fact, Sonia, the wife of co-accused Bhupender Singh had submitted an application before the Deputy Commissioner of Police, Tarn Tarn at about

3.20 PM on 08.07.2021, wherein, she had stated that Bhupender Singh had been arrested by the police officials on the previous day and had been taken away to an undisclosed place. She had also visited the office of CIA Staff but was abused and the whereabouts of her husband were not disclosed to her.

Mr.Cheema, Ld. Assistant Advocate General, appearing on behalf of the State, states that the contention is baseless. He states that no such application was submitted. An application was received in the office of SP, Tarn Taran on 19.07.2021 much after the arrest of the petitioner and the recovery of the contraband.

The plea of giving an application to the Deputy Commissioner of Police, Tarn Tarn was also raised before the Ld. Judge, Special Court, Tarn Taran and found without merit. The perusal of the application reflected that it was so received by the Police office only on 16.07.2021 and there was no postal receipt to suggest if the same had been posted on the day and time, as argued on behalf of the petitioner. Hence, this plea cannot be accepted.

The recovery is of commercial quantity. The search was conducted in the presence of a gazetted officer and recovery effected.

No ground is made out for grant of bail to the petitioner, at this stage.

Dismissed.

**October 12, 2021**

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**(HARINDER SINGH SIDHU)**  
**JUDGE**

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|-----------------------------|----------|
| Whether Speaking / Reasoned | Yes      |
| Whether Reportable          | Yes / No |