

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

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**CRM-M-49297-2021
Date of decision: 07.12.2021**

GURMAIL SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Ankur Jain, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab
for the respondent-State.

SANT PARKASH, J. (ORAL)

The case has been taken up for hearing through video conferencing.

Prayer in this petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner, in case, FIR No. 207 dated 16.08.2021 registered under Section 21 (b) of the Narcotic and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station City Tarn Taran, District Tarn Taran to which Section 21 (c) of the NDPS Act was added later on.

As per the prosecution version, the present petitioner has been nominated in the FIR on statement of co-accused Satwant Singh due to his involvement in illegal drug smuggling racket and 220 grams of heroin has been recovered from his conscious possession.

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case and was not named in the FIR. The alleged recovery of 220 grams of heroin has been planted upon him after abduction by the police. The petitioner was shown to be arrested on 19.08.2021 from Railway Station Amritsar, whereas he was picked up on 18.08.2021 from his house in New Delhi. Whole incident of abduction has been recorded in CCTV cameras installed in his house at Delhi. Mandatory provisions of the NDPS Act were not complied with. The alleged recovery of 220 grams of heroin falls under the non-commercial category. Co-accused Satwant Singh from whom 225 grams of heroin was recovered has already been granted regular bail by the learned trial Court. The petitioner is not involved in any other case under the NDPS Act. Trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19. No useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel opposed the submissions of learned Counsel for the petitioner and has submitted that the petitioner was party to a criminal conspiracy to indulge in illegal business relating to narcotic drugs and also 220 grams of heroin has been recovered from him. In view of the gravity of accusation, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Having considered the facts and circumstances of the case, nature of accusation, the petitioner being not named in the FIR,

recovery of 220 grams of heroin from the petitioner falling in non-commercial category and the fact that the trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 but without expressing any opinion on the merits of case, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

07.12.2021
kavneet singh

(SANT PARKASH)
JUDGE

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