

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

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CRM-M-4537-2022 (O&M)

Date of Decision: 08.07.2022

Sukhdeep Singh @ Ghudda

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Amandeep Singh Manaise, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by ASI Salinder Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.6 dated 17.01.2020 at Police Station Dorangla, District Gurdaspur, under Sections 21/23 of the NDPS Act, Section 14 of the Foreigners Act, Section 3 of the Indian Passport Act, Section 120-B/473/474 IPC and Section 25 of the Arms Act.
2. As per the case of the prosecution, on 17.01.2020 the BSF team, upon noticing some movement at Chauntra Border Outpost when the area was engulfed with fog, fired a couple of rounds, but the persons fled away from the spot. The BSF team, however, recovered 12 packets of heroin weighing 23.380 Kgs.; 90 rounds of 7.63 mm ammunition with 2 paper packing boxes; 2 chinese pistol magazines; 2 mobile phones (Oppo brand); 1 plastic pipe 11 feet in length; 1 wifi connector with battery; 4

- pair black plastic shoes and packing material in plastic bag. Thereafter, the BSF team made a written complaint to the local police on the basis of which the instant FIR came to be lodged.
3. It is further the case of the prosecution that a secret informer informed the police regarding the movement of Sukhdeep Singh @ Ghudda (petitioner) on the night of occurrence and it is alleged that apparently said Sukhdeep Singh alongwith his accomplices had conspired to commit crime.
 4. Learned counsel for the petitioner has submitted that he was never ever seen or found at the spot and has been nominated subsequently on the basis of a secret information alleged to have been received by the police to the effect that on the night of occurrence, the petitioner was seen moving around. It has further been submitted that the prosecution also relies upon a disclosure statement made by co-accused Harjeet Singh, who in any case himself has been granted bail after having undergone custody of about 1 year & 2 ½ months, as would be evident from order dated 10.01.2022 (Annexure P-2).
 5. Opposing the petition, learned State counsel has submitted that it is a case of huge recovery and that the name of the petitioner figured in the FIR itself and that the said fact coupled with the fact that a co-accused also named him would not warrant releasing the petitioner on bail. It has further been pointed out that the petitioner happens to be involved in 6 other cases out of which 1 stands cancelled and in 2 the petitioner was acquitted, whereas 3 are still pending. It has been pointed out that out of

the said cases, one is in respect of NDPS Act. It has been informed that as on date only 3 PWs out of cited 23 PWs stand examined.

6. I have considered rival submissions addressed before this Court.
7. It is not in dispute that the petitioner was never apprehended at the spot or identified at the spot and has been named during the course of police proceedings on the basis of information furnished by some secret informer as regards the night movement of the petitioner. The admissibility of disclosure statement of the co-accused, wherein the petitioner is also named, would be debatable. The petitioner in any case has been behind bars since the last about 1 year & 8 months. Another co-accused i.e. Harjit Singh @ Jeeta has already been granted bail by this Court. Conclusion of trial is likely to consume time inasmuch only 3 PWs out of cited 23 PWs have been examined till date. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

08.07.2022

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**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**