

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

CRM-M-12954-2021 (O&M)

Date of decision: 16.03.2022

Gagandeep

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Davinder Khurana, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 313 dated 17.11.2020 registered under Sections 21(c) and 22 of the NDPS Act, Section 25 of the Arms Act and Sections 7(2)/13 of the Prevention of Corruption Act, at Police Station Shahkot District Jalandhar Rural.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR; that the petitioner was indicted on the disclosure statement of co-accused Balkar Singh @ Balli, who was also indicted on the disclosure statement of main accused; that the challan stands presented and the petitioner has been in custody since 20.01.2020.

On the other hand, learned State counsel while controverting the submissions made by the learned counsel for the petitioner, submits that the petitioner and co-accused were the members of a gang, which was operating

on the Indo-Pak border and that the allegations against the petitioner are very serious and in case, he is enlarged on bail, every effort will be made by him to either tamper with the evidence or win over the witnesses. He further submits that in the present case, recovery of 11 kg. of *Heroin*, more than Rs. 24 lakh, a car and weapons, was effected from the co-accused and that one co-accused Birender Singh, Ex. Constable of BSF had also actively participated in the crime being a chain between the petitioner and co-accused. Still further, it is pointed out that the petitioner is involved in one more case under NDPS Act in Rajasthan.

I have heard the learned counsel for the parties and also gone through the paper-book.

As noticed above, recovery of 11 Kg. of *Heroin*, more than Rs. 24 lakh, car and weapons has been effected from the co-accused. The petitioner was specifically named by co-accused Barinder Singh as one of the accused. There are specific allegations of smuggling of *Heroin* against the petitioner as well. The petitioner is involved in one more case under NDPS Act in Rajasthan. Therefore, I do not find any ground to grant him the concession of regular bail.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

16.03.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No