

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-25532-2022 (O&M)
Date of Decision:-11.11.2022

Gurdeep Singh @ Manna ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vishavdeep Singh Rana, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Gurmail Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.25, dated 10.6.2021, Police Station Mehal Kalan, District Barnala, under Sections 21(c), 25 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The FIR was lodged on the basis of receipt of secret information received by the police to the effect that one Arshdeep Singh @ Arshi and Amritpal Singh indulged in sale of intoxicants. Pursuant to receipt of said information, barricading was held and 2 persons were seen coming on a motorcycle. While the police was able to apprehend one of them namely Amritpal Singh from whose possession 350 grams of 'heroin' was recovered, the other person managed to escape. It is further the case of prosecution that during the

course of interrogation of Amritpal Singh, he disclosed that the intoxicant recovered from him i.e. 350 grams of 'heroin' belongs to Gurdeep Singh @ Manna (petitioner). Consequently the petitioner was nominated as an accused and was arrested on 14.10.2021.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that the petitioner was not apprehended at the spot and no recovery whatsoever was ever effected from him.
4. Opposing the petition, learned State counsel has submitted that the petitioner is a habitual offender having been involved in 35 cases out of which he stands acquitted in 9 cases, whereas he stands convicted in 6 cases and the remaining are stated to be pending. Learned State counsel has informed that the petitioner otherwise has been behind bars since the last more than 1 year. It has also been informed that none out of the cited 20 PWs has been examined till date.
5. This Court has considered the rival submissions.
6. It is not in dispute that the petitioner was never ever apprehended at the spot and came to be nominated on the basis of disclosure statement made by co-accused. Even when the petitioner was arrested by the police, no recovery whatsoever was ever effected from him. The admissibility and veracity of such like disclosure statement would be debatable. The petitioner has been behind bars for a substantial period of more than 1 year. Conclusion of trial is likely to consume time as not even a single PW out of the cited 20 PWs has been examined so far. 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.

11.11.2022

pankaj

(Gurvinder Singh Gill)
Judge

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