

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

(1) **CRM-M-27931-2021 (O&M)**

Nitin Brar @ Nitinpreet Singh Brar ...Petitioner

Versus

State of Punjab ...Respondent

(2) **CRM-M-48507-2021 (O&M)**

Gurpreet Singh @ Ghuggi ...Petitioner

Versus

State of Punjab ...Respondent

(3) **CRM-M-4849-2022 (O&M)**

Aakashdeep Khan ...Petitioner

Versus

State of Punjab ...Respondent

(4) **CRM-M-3674-2022 (O&M)**

Jasdeep Singh @ Gagi ...Petitioner

Versus

State of Punjab ...Respondent

(5) **CRM-M-4490-2022 (O&M)**

Rohit Ram ...Petitioner

Versus

State of Punjab ...Respondent

Date of Decision:- 6.7.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Kirat Pal Dhaliwal, Advocate for the petitioner
in CRM-M-27931-2021 .

Mr. P.K.S. Phoolka, Advocate for the petitioner
in CRM-M-48507-2021.

Mr. Munish Garg, Advocate for the petitioner
in CRM-M-4849-2022.

Mr. L.S. Sekhon, Advocate for the petitioner
in CRM-M-3674-2022.

Mr. G.S. Sidhu, Advocate for the petitioner
in CRM-M-4490-2022.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by SI Kuldeep Singh.

GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned five petitions filed on behalf of Nitin Brar @ Nitinpreet Singh Brar, Gupreet Singh @ Ghuggi, Aakashdeep Khan, Jasdeep Singh @ Gagi and Rohit Ram seeking grant of regular bail in a case registered against them vide FIR No. 68 dated 28.5.2021 under Sections 399, 402 IPC and Section 25 of the Arms Act (Sections 21 and 29 of the NDPS Act added lateron) at Police Station Tapa Mandi, District Barnala.
2. The FIR was lodged on the basis of secret information received by Inspector Jagjit Singh while he was present alongwith police officials in the area of Tajo Kanchian for the purpose of patrolling. The secret information was to the effect that Gurpreet Singh, who had escaped from jail and against whom several cases of looting, snatching, drugs, kidnapping, fighting etc. were

pending alongwith his accomplices Jasdeep Singh @ Gagi, Rohit Ram, Kuldeep Singh @ Gobind, Akashdeep Khan, against whom also several cases of extortion, snatching etc. were registered had constituted a gang and were possessing illegal weapons and had, thus, created an atmosphere of fear amongst common people. It is further alleged that the said persons were addicted to '*chitta*' and other narcotics and used to sell '*heroin*' in the area of Tapa after procuring it from outside. The information was further to the effect that the said persons had gathered at an uninhabited place near Tapa Grain Market and were planning to commit some crime.

3. It is the case of prosecution that pursuant to receipt of aforesaid information, a raid was conducted at the nominated place from where Gurpreet Singh @ Ghuggi, Jasdeep Singh @ Gagi, Rohit Ram, Kuldeep Singh @ Gobind and Aakashdeep Khan were apprehended and who were found in possession of 320 grams of '*heroin*', two pairs of gloves, one piece of silver, one sheet of cloth, one 12 bore country-made loaded pistol and two cartridges, one '*gandasi*', one dummy pistol, one '*kirch*', L-type iron punch and two motorcycles. It is further the case of prosecution that during the course of interrogation, Gurpreet Singh @ Ghuggi, nominated Gurmeet Singh @ Kala Mann as an additional accused and upon his arrest on 2.6.2021, he was interrogated on 4.6.2021 wherein he disclosed that he had given 100 grams of '*heroin*' and one revolver .38 bore alongwith 10 cartridges to Nitin Brar @ Nitinpreet Singh Brar and had also given a country made .12 bore pistol, 2 cartridges and 400 grams of '*heroin*' to Gupreet Singh @ Ghuggi. Nitin Brar @ Nitinpreet Singh Brar was arrested on 4.6.2021 and on the basis of

his disclosure statement one .38 bore revolver, one cartridge, two empty cartridges and 50 grams of '*heroin*' were recovered from an almirah of his house. Later, Nitin Brar @ Nitinpreet Singh Brar also got recovered an amount of ₹ 1,40,000/-, a Baleno car, a dummy pistol, two live cartridges of .38 bore revolver and five empty cartridges.

4. The learned counsel for the petitioners have submitted that the petitioners have falsely been implicated in the present case and that the initial recovery of 320 grams of '*heroin*' cannot be attributed to any of the accused and that the police has attempted to rope in a large number of accused on the basis of alleged recovery of 320 grams of '*heroin*'. The learned counsel representing Nitin Brar @ Nitinpreet Singh Brar has submitted that he, in any case, was never apprehended at the spot when other five co-accused were apprehended and came to be nominated as an accused subsequently on the basis of a disclosure statement. It has further been submitted that although the police claims that the amount of ₹ 1,40,000/- recovered at his instance was drug money but infact the said amount was a part of the lease money which he had received on account of lease of his land. The learned counsel representing the petitioners have submitted that since one of the co-accused namely Gurmeet Singh @ Kala has already been granted bail by this Court, the petitioners also deserve the same concession on grounds of parity.
5. On the other hand, the learned State counsel, while opposing the petition, has submitted that it was pursuant to a specific secret information against five accused namely Gupreet Singh @ Ghuggi, Aakashdeep Khan, Jasdeep Singh @ Gagi, Rohit Ram and Kuldip Singh (non-petitioner) that the

aforesaid five accused were apprehended at the spot red-handed. It has been submitted that when the police had raided the place of occurrence, the five accused were sitting in a circle in an uninhabited place which would clearly show their complicity. It has also been submitted that the involvement of Nitin Brar @ Nitinpreet Singh Brar, who was nominated on the basis of a disclosure statement is also borne out from the fact that one .38 bore revolver, one cartridge, two empty cartridges and 50 grams of '*heroin*' were recovered from him.

6. I have considered rival submissions addressed before this Court.
7. As far as the contention of the petitioners to the effect that the recovery of 320 grams of '*heroin*' cannot specifically be attributed to any of the accused is concerned, this Court finds that all the accused were collectively handling the contraband when they were arrested by the police. The relevant extract from the recovery memo dated 28.5.2021 (Annexure P/2) in CRM-M-3674-2022 reads as follows :-

“.....The apprehended person Gurpreet Singh @ Ghuggi was wearing gloves and was carrying a transparent plastic polythene in his hands. From the said polythene, heroin (Intoxicant substance of white colour) was clearly visible. The said apprehended persons namely Kuldeep Singh @ Gobind was also wearing gloves and was handing over heroin from the said plastic polythene to Jasdeep Singh @ Gagi, Rohit Ram for preparing bits. The said Jasdeep Singh @ Gagi and Rohit Ram after preparing bits were handing over the same to Akasdeep Khan and Akasdeep Khan was counting the same.....”

8. The aforesaid acts being conducted by the five accused clearly shows that they were all hands in gloves for the purpose of drug peddling and were preparing small doses of 'heroin' to be sold individually to customers. As such, each of the accused apprehended at the spot can safely be attributed conscious possession of the entire contraband recovered at the spot.
9. The complicity of Nitin Brar @ Nitinpreet Singh Brar, who came to be nominated on the basis of a disclosure statement made by Gurmeet Singh @ Kala, is also evident from the fact that he was found in possession of 50 grams 'heroin', one country made revolver, two empty and one live cartridge. The petitioner Nitin Brar @ Nitinpreet Singh Brar cannot claim any parity with the case of co-accused Gurmeet Singh @ Kala, who was also nominated on the basis of a disclosure statement, particularly in view of the fact that the petitioner Nitin Brar @ Nitinpreet Singh Brar happens to be involved in a large number of cases. The details of the antecedents of the petitioners as furnished by the State counsel are reproduced hereinunder :-

Akashdeep Khan	
1.	NIL
Nitin Brar @ Nitinpreet Singh Brar	
1.	FIR No. 143 dated 14.6.2013 u/s 379,341,411,148,149 IPC PS GRP Sangrur
2.	FIR No. 56 dated 4.8.2017 u/s 25, 54, 59 Arms Act PS Sehna
3	FIR No. 25 dated 23.5.2012 u/s 452, 341, 506, 427, 34 IPC PS Sehna
4	FIR No.26 dated 15.1.2013 u/s 307,341 IPC and u/s 25, 54, 59 of Arms Act PS Sehna
5	FIR No. 172 dated 4.8.2013 u/s 336, 34 IPC PS Zirapkur
6	FIR No. 06 dated 9.1.2017 u/s 174-A IPC PS Sehna
7	FIR No. 373 dated 2.10.2008 u/s 25, 54, 59 of Arms Act PS Mohali
8	FIR No. 19 dated 06-2017 u/s 325, 323, 34 IPC PS Sehna
Gupreet Singh @ Ghuggi	
1.	FIR No. 07 dated 31.1.2019 u/s 323, 341,324,506,148,149 IPC PS Rureke Kalan
2.	FIR No. 97 dated 10.12.2019 u/s 20 NDPS Act PS Rureke Kalan

3	FIR No. 105 dated 28.3.2019 u/s 365, 511, 120-B IPC PS City Barnala
4	FIR No. 399 dated 20.9.2020 u/s 379-B, 411, 34 IPC PS City Barnala
5	FIR No. 33 dated 26.5.2021 u/s 379-B IPC PS Rureke Kalan
6	FIR No. 61 dated 11.5.2021 u/s 379-B, 511, 34 IPC PS Tapa
7	FIR No. 68 dated 28.5.2021 u/s 399, 402 IPC, u/s 21,29 NDPS Act and u/s 25 of Arms Act PS Tapa
Rohit Ram	
1.	FIR No. 33 dated 2021 u/s 379-B, 34 IPC P.S. Rureke Kalan
Gurmeet Singh @ Kala	
1.	55 FIRs
Jasdeep Singh @ Gagi	
1.	FIR No. 33 dated 2021 u/s 379-B, 34 IPC P.S. Rureke Kalan

10. In view of the discussion made above and while bearing in mind that it is a case of recovery of ‘commercial quantity’ of contraband wherein there is nothing on record to suggest that the petitioners have been falsely implicated or that the petitioners, if granted bail will not indulge in identical offences again, no case for grant of bail to any of the petitioners is made out.
11. All the petitions merit dismissal and are hereby dismissed.
12. A photocopy of this order be placed on the file of connected cases.

6.7.2022

kamal

(Gurvinder Singh Gill)
JudgeWhether speaking /reasoned
Whether ReportableYes / No
Yes / No