

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

CRM-M-48596-2021 (O&M)
Date of Decision:-17.3.2022

Gurpreet Singh @ Gopa ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Anterpreet Singh, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by ASI John Masih.

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.74 dated 17.6.2021, Police Station Sadar Jagraon, District Ludhiana Rural under Sections 22/25 of Narcotic Drugs & Psychotropic Substances Act.
2. The case of the prosecution, in nutshell, is that on 17.6.2021, when a police party was present at Drain Bridge, Village Gagra in connection with patrolling and checking, then a secret information was received to the effect that Gurpreet Singh @ Gopa, who was earlier into business of selling intoxicants, was proceedings towards Village Kothe Pona for supplying intoxicants on his white coloured Activa Scooty bearing registration No.PB-

25-G-5195. Pursuant to receipt of said information, barricading was held and the police intercepted the petitioner, who was driving the Scooty bearing registration No.PB-25-G-5195. It is further the case of prosecution that upon search of the Scooty, 1040 loose intoxicant tablets, later found to be containing 'Tramadol Hydrochloride', were recovered.

3. Learned counsel for the petitioner has submitted that while the occurrence is stated to have taken place at 09:50 p.m. on 17.6.2021, but the CCTV footage retrieved from the DVR/CCTV cameras installed in the neighbouring house of the petitioner shows that the petitioner had been picked from his residence in the afternoon of 17.6.2021 at about 12:50 p.m.
4. This Court vide order dated 25.11.2021, while considering the contention of the petitioner regarding the petitioner having been picked up from his house, had issued the following directions:

“During the course of arguments, learned counsel for the petitioner has submitted that the petitioner infact was picked up from his house on 17.6.2021 at about 12.50 pm but has subsequently been falsely implicated in the present case. Learned counsel submits that the aforesaid fact would be evident from the CCTV footage recorded in the CCTV cameras installed in the house of a neighbour. Learned counsel in this regard has referred to the photographs (Annexure P-2) printed from the said CCTV footage. Learned counsel has submitted that he shall provide a CCTV footage through WhatsApp to the learned State counsel today itself so that the same may be got verified.

In view of the aforesaid submission, the matter is adjourned to 4.3.2022.

The Senior Superintendent of Police, concerned to examine the said CCTV footage and to take necessary action, if any is warranted in the facts and circumstances.”

5. Reply has been filed by learned State counsel today in Court, which is taken on record. Para No.5 of the reply reads as follows:

“5. That it is respectfully submitted that the perusal of the report/related record revealed that during inquiry statements of related witnesses were recorded and relevant record including the CCTV footage relied upon by the petitioner was perused. From statement of SI Sharanjit Singh, the then Incharge Police Post Chowki Mann, Police Station Sadar, Jagraon it was revealed that on 17.06.2021, pursuant to receipt of secret information, he alongwith the police party raided the house of present petitioner for effecting arrest of one Kamaljit Singh alias Kamal, who is an accused in case/FIR No.6 dated 22.01.2021 under Section 307/336/323/324/325/506/427/148/149 IPC and 25 of Arms Act, 1959 registered at Police Station Sadar Jagraon and brought him alongwith his activa scooter and two friends Sinder Pal Singh & Rajbir Singh to Police Post Chowki Mann for inquiry and had released them all at around 5/5.30 PM on assurance from Sukhpal Singh, Former Member Panchayat, Village Lame Patti Malik, Tehsil Jagraon, District Ludhiana. At that time Bhupinder Singh, car mechanic was also present there. Subsequently Bhola Ram, President Labour Union Jagraon had also come present at the police post for making inquiry about the present petitioner/his friends. Thereafter, in the evening of the same day when he along with police party was present near drain bridge Gagra, then secret informer had given him information that the present petitioner is coming to sell intoxicant tablets on his activa scooter, if

naka would be laid on the red proceeding from Jagraon to Village Kothe Pona, then he can be apprehended alongwith intoxicant tablets. The information received commission of offence u/s 22 of NDPS Act, 1985 against the present petitioner, therefore, case/FIR No. 74 (supra) was registered against him. During investigation at around 11.45 PM, ASI Harpreet Si.gh arrested the present petitioner alongwith aforesaid activa scooter and recovered 1040 intoxicant tablets from him.”

6. The aforesaid reply would show that the police is not disputing that it had raided the house of the petitioner in the afternoon but a stand has been taken that the said raid was conducted in connection with another case so as to arrest one Kamaljit Singh @ Kamal, who was wanted in FIR No.6 dated 22.1.2021, Police Station Sadar Jagraon under Sections 307/336/323/324/325/506/427/148/149 of Indian Penal Code and Section 25 of Arms Act, 1959.
7. Interestingly, the stand taken by the police in para No.5 of the reply is that the petitioner had been picked up by the police from his residence alongwith his Aactiva Scooty, though the police would have gone to the house of the petitioner in its own vehicle and would normally take along the suspected persons in their own vehicle.
8. Though the learned State counsel has submitted that it was only in connection with another case that the petitioner had been asked to associate with the police in the afternoon but had infact been released by the police in the evening but upon a query made by this Court as to whether the aforesaid Kamaljit Singh @ Kamal is related to the petitioner in any manner or is involved alongwith the petitioner in some other case, no information could

be furnished in this regard. Learned State counsel has, however, informed that till date not even a single PW out of the cited 13 PWs has been examined.

9. This Court finds that the explanation as furnished for raiding at the premises of the petitioner is a very convenient explanation and can be put forth in each and every case, where any person is picked up from his residence at any point of time. The petitioner otherwise has been behind bars since the last 9 months and is not stated to be involved in any other case.
10. Having regard to the aforestated facts, a doubt is certainly created in the case of prosecution. Conclusion of trial is likely to consume time as not even a single PW out of the cited 13 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.

17.3.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No