

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

CRM-M-56631-2022 (O&M)
Date of Decision:- 12.12.2022

Nitin Brar @ Nitinpreet Singh Brar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Pankaj Garg, Advocate for the petitioner.

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

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in a case registered 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 Narcotic Drugs and Psychotropic Substances Act, 1985 added later on) 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 petitioner submitted that admittedly the petitioner is nowhere named in the FIR and is not even alleged to have been

present or arrested at the spot when 320 grams of 'heroin' was recovered from co-accused. The learned counsel submits that he came to be nominated subsequently on the basis of a disclosure statement allegedly made by co-accused Gurmeet Singh @ Kala, who himself had been nominated on the basis of a disclosure statement of Gurpreet Singh @ Ghuggi. The learned counsel submits that as per the case of prosecution, he was arrested by the police on 4.6.2021 and a .38 bore revolver, one cartridge, two empty cartridges and 50 grams of 'heroin' were recovered from his house apart from cash amount of ₹1.40 lacs. The learned counsel submits that even if the alleged recovery of 50 grams of 'heroin' is accepted to be correct, the same would fall in the category of non-commercial quantity. The learned counsel has further submitted that he stands acquitted in 3 out of the 8 cases which find reference in the previous order dated 6.7.2022 and FIR in one of the said cases has been quashed and as such, he cannot be said to be a habitual offender.

5. Opposing the petition, the learned State counsel has submitted that the petitioner having been named by the co-accused and pursuant to arrest of the petitioner, recovery of contraband having been made, the complicity of the petitioner is clearly evident. The learned State counsel has submitted that the petitioner is part of a well orchestrated racket of drug trafficking and since huge quantity of contraband has been recovered from co-accused and an amount of ₹1.40 lacs was recovered from the petitioner as drug money, his complicity is clearly evident. The learned State counsel further submitted that the petitioner having been involved in a large number of cases does not deserve any concession of bail.

6. This Court has considered the rival submissions.
7. While the accused arrested at the spot were found in possession of commercial quantity of contraband i.e. 320 grams of '*heroin*', the petitioner who came to be arrested subsequently was found in possession of 50 grams of '*heroin*'. The petitioner, having been named by a co-accused, it is evident that he is part of a larger conspiracy. Further, the previous involvement of the petitioner also reflects on his antecedents. The petitioner has previously been involved in the following cases :-

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

8. Though, as per the submission made by counsel for the petitioner, the petitioner stands acquitted in 3 of the cases but still this Court finds that the petitioner, in any case, is involved in 5 cases, which is a sizable number. In these circumstances, this Court, at this stage, does not deem fit to release the petitioner on bail.
9. The petition is sans merit and is hereby dismissed.

12.12.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No