

2023:PHHC:097763

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Date of decision : 31.07.2023

1. CRM-M-6331-2023

Gagandeep Singh ..... Petitioner

versus

State of Punjab ..... Respondent

2. CRM-M-13224-2023

Manish Kumar ..... Petitioner

versus

State of Punjab ..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. J.S. Dadwal, Advocate and  
Mr. Lakshay Bector, Advocate  
for the petitioner(s).

Mr. Kunal Vinayak, AAG, Punjab.

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PANKAJ JAIN, J. (Oral)

Prayer is for grant of regular bail to the petitioners in FIR  
No.184 dated 03.12.2022, registered for offences punishable under  
Sections 21, 29 and 61 of NDPS Act, 1985 at Police Station Division  
No.3, Ludhiana.

2. FIR stands registered on the basis of secret information  
against Balvir Singh @ Gola, Manish Kumar and one Sarabjot Singh @  
Raja Bajaj that they were all dealing in the drugs.

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3. As per the prosecution, accused Balvir Singh @ Gola and Manish Kumar were apprehended in a car driven by petitioner-Gagandeep Singh. The main accused Balvir Singh @ Gola who was sitting on a non driving seat, on seeing the police party threw one black envelop near his feet.

4. The petitioner in a second petition i.e. Manish Kumar is stated to be sitting on the back seat of the said car. Prosecution claims that from the envelop which was thrown by Balvir Singh @ Gola, contraband of 253 grams heroin was recovered.

5. Counsel for the petitioners submit that it is a specific case of the prosecution that it is the Balvir Singh @ Gola who was holding that envelop and on seeing the police party it was he, who threw the said envelop containing contraband near his feet. The petitioners who were neither named in the secret information nor have been attributed any overt act cannot be said to be party to the offence. It has been further claimed that Sarabjot Singh @ Raja Bajaj already stands admitted to bail in CRM-M-34029-2023 vide order dated 27.07.2023, still further counsels submit that both the petitioners have clean antecedents and have no other criminal case pending against them. Both of them have undergone actual custody of more than 07 months and 22 days. Investigation stands concluded and most of the witnesses are official and thus there cannot be any apprehension of the petitioners tampering with the evidence.

6. State Government does not dispute the aforesaid factual assertions made by counsel for the petitioners based on record.

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7. In view thereof, present petitions are allowed. Petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
8. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.
9. A photocopy of this order be placed on the file of other connected case.

**(PANKAJ JAIN)  
JUDGE**

**31.07.2023**

Dinesh

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| Whether speaking/reasoned : | Yes |
| Whether Reportable :        | No  |