

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

CRM-M-9270-2023

Date of Decision: May 03, 2023

GURDEEP SINGH @ DEEPA	Versus	 Petitioner
STATE OF PUNJAB		 Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vishavdeep Singh Rana, Advocate for petitioner.
Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 read with Section 482 CrPC, prayer has been made for grant of regular bail to the petitioner in case FIR No.111 dated 21.05.2022 under Sections 21(B), 21(C), 27(1) and 29 of NDPS Act, 1985 and Sections 25, 54 and 59 of Arms Act, registered at P.S. Phillaur, Jalandhar(Rural), District Jalandhar.

2. As per allegations levelled in the FIR, one Nidhi wife of Gurdeep Singh, was apprehended at the spot with 42 grams of Heroin, who in her disclosure statement named the petitioner while stating that it was the petitioner who used to purchase and bring the psychotropic substance.

3. Learned counsel for petitioner vehemently submits that first of all, the petitioner was merely implicated on the basis of disclosure statement and no recovery was ever effected from him. Further, he submits that at best the petitioner is stated to have purchased 42 grams of Heroin from one Gagandeep Singh who himself

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was arrested on the basis of disclosure made by petitioner. He points out that huge recovery of 2 kg of Heroin as well as one 30-Bore pistol with five living cartridges were also recovered from aforementioned Gagandeep only. Referring to Annexure P-2 i.e. the complaint submitted by wife of petitioner against certain Police officials including SHO P.S. Phillaur, Jalandhar, learned counsel submits that FIR in question as well as the other FIRs were a counter-blast to the aforesaid complaint. In support of his submissions, learned counsel for petitioner also places reliance upon decision made by this Court vide Judgment dated 17.11.2022 passed in **CRM-M-36418-2022** titled as "**Sanjay Parkash Tiwari Vs. State of Haryana**".

4. On the other hand, learned State counsel vehemently opposes the prayer made in the present petition while submitting that petitioner is involved in three more cases of similar nature, besides the FIR in question. He points out to the custody certificate while submitting that petitioner was convicted vide judgment dated 15.01.2018 and was awarded sentence of RI for 10 years by the Court of Addl. Sessions Judge Patiala arising out of FIR No.69 dated 12.05.2016 registered under Sections 15/61/85 of NDPS Act, P.S. Shambu, Patiala. Besides it, the petitioner is also facing trial in two other FIRs, bearing No.215 dated 07.08.2021 registered under Section 21 of NDPS Act at P.S. Mandi Gobindgarh, involving small quantity and FIR No.95 dated 10.05.2022 registered under Sections 21/29/61/85 of NDPS Act, Phillaur, Jalandhar, though, in the said case, the petitioner was implicated on the basis of disclosure made by other co-accused.

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5. I have heard learned counsel for the parties and have gone through the paper-book. I am unable to find any substance in the submissions made on behalf of petitioner.

6. Although, in the present case the petitioner has been implicated on the basis of disclosure made by his wife from whom the recovery was effected and there is no recovery effected from the petitioner in the present case, however, considering his antecedents, wherein he is involved in three more cases of NDPS and is already facing conviction and sentence for a period of ten years in one of the cases, I do not find any justified reason to enlarge him on bail. Besides it, the factum of filing of criminal complaint by the wife of the petitioner against Police officials as to whether was intended to be used as a shield by the petitioner so as to save himself from the impending action by the Investigating Agency or it had some substance in it has to be gone into at the stage of trial.

7. In view of the discussions made herein-above, I find no merit in the present petition and the same stands dismissed.

03.05.2023
tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>

