

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

CRM-M-10822-2023

Date of decision : 10.03.2023

Gurdeep Singh @ Manna

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Vishavdeep Singh Rana, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

RAJESH BHARDWAJ, J.

Petitioner has approached this Court praying for grant of regular bail in case FIR No.329 dated 11.07.2022, under Sections 21, 29 of NDPS Act, 1985 and Section 25 of Arms Act, 1959, registered at Police Station Zirakpur, District SAS Nagar, Punjab.

As per the facts of the case, complaint was lodged by ASI Ashwani Kumar wherein it was alleged that while they were on patrolling, they stopped one car in which two young men were present whom they caught with the help of other officials. On asking, they disclosed their names as Sukhwinder Singh @ Nikka and Love Preet Singh @ Lovely. There was one polythene bag lying in the car. The same was recovered and intoxicating material was found in the same. The FIR was lodged and investigation commenced. During investigation, co-accused who were arrested on the spot made a disclosure statement that the recovered heroin weighing 500 grams was supplied to them by

Gurdeep Singh @ Manna (petitioner). Petitioner was arrested on 14.07.2022. He approached the learned Special Court, SAS Nagar praying for grant of bail. However, after hearing counsel for both the sides, learned Special Court declined the same vide its order dated 15.02.2023. Aggrieved by the same, petitioner is before this Court praying for grant of regular bail.

Learned counsel for the petitioner has contended that the petitioner is neither named in the FIR nor any recovery has been made from him. He has submitted that the petitioner was implicated in this case only on the basis of disclosure statement of co-accused which is not an admissible evidence. He submits that the false implication of the petitioner is writ large and the investigation is already complete and thus, the petitioner deserves to be granted bail.

Learned State counsel, on the other hand, has opposed the submissions made by counsel for the petitioner. He has submitted that though the petitioner is not named in the FIR, however, from the co-accused arrested on spot, 500 grams of heroin and one pistol were recovered. He submits that during interrogation, co-accused disclosed about the accused who was said to be the supplier of the contraband recovered from them. He vehemently contends that the recovered contraband falls in the category of commercial quantity and thus, provisions of Section 37 of NDPS Act are attracted in this case. He has placed on record the custody certificate wherein the petitioner is shown to have been prosecuted in more than 35 other cases including the cases under the NDPS Act. He submits that the petitioner is a habitual offender. He submits that investigation in this case is complete and charges are

framed and examination of the prosecution witnesses is yet to begin.

Heard. As per the case of the prosecution, co-accused namely, Love Preet Singh @ Lovely and Sukhwinder Singh @ Nikka were arrested on spot and 500 grams heroin and one pistol were recovered from them. During investigation, co-accused made a disclosure statement about the involvement of the petitioner in the present case. It was disclosed that petitioner is the supplier of the contraband. As submitted by learned State counsel the petitioner is a habitual offender. He is facing prosecution in more than 35 other cases including offence under the NDPS Act. The quantity recovered in the present case is 500 grams of heroin which falls in the category of commercial quantity and thus, provisions of Section 37 of NDPS Act are attracted. The investigation in the present case is complete and charges are also framed. So far, examination of the prosecution witnesses is concerned, the same is yet to begin.

After hearing counsel for the parties and perusing the record, this Court do not find any ground to presume under Section 37 of NDPS Act that the petitioner has no complicity in the present case. Resultantly, the petition being devoid of any merits is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

10.03.2023
m. sharma

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No