

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

212

CRM-M-20720-2022

Date of decision : 07.02.2023

Vijay Kumar @ Gyani @ Gavi

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Jaspal Singh Guru, Asstt. A.G., Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.147 dated 06.11.2020 registered under Sections 18, 21, 23, 25 and 27 of the NDPS Act 1989, Section 29-A of the Arms Act, 1959 and Sections 420, 467, 468 and 471 of the IPC (to which Sections 8, 27-A and 29 of the NDPS Act, Sections 25 and 30 of the Arms Act, Sections 171, 395, 419 and 473 of the IPC and Section 64 of the Punjab Police Act, 2007 were added later on) at Police Station Special Task Force, District SAS Nagar.

Reply by way of an affidavit dated 24.08.2022 of Sh.Arun Sharma, Deputy Superintendent of Police, Special Task Force, Border Range, District Amrtisar has been filed in the Registry which is taken on record.

Custody certificate dated 06.02.2023 has been filed by learned State counsel in the Court today which is also taken on record.

Brief facts relevant for disposal of the present petition are

that on 05.11.2020 the police officials received a secret information that Gurdeep Singh, Ex-Sarpanch and other accused import heroin and other intoxicant from outside India and sell the same after refining it. Finding the information worth reliance, raids were conducted and the accused were apprehended. During investigation total recovery of 5 kg 909 grams of heroin, 400 grams of opium, 11 luxury cars, currency of Rs.50,24,950/-, revolvers, rifles along with cartridges, 91.5 grams of gold and diaries is alleged to have been effected. Name of the petitioner came on the statement of co-accused and he was nominated in the present case.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case on the basis of disclosure statement made by co-accused Avninder Singh @ Shenty which is a very weak type of evidence. The petitioner is not apprehended on the spot and nothing has been recovered from him. Except the disclosure statement made by co-accused, there is no evidence against the petitioner. Similarly placed co-accused Avninder Singh @ Shunty, Amrinder Singh @ Ravi and Akashdeep @ Akashdeep Singh have already been released on regular bail by the Coordinate Bench of this Court vide order dated 04.05.2022. Co-accused Manpreet Kaur Reet @ Meenu, Bhajan Singh @ Bhau, Amritpal Singh and Iqbal Singh have also been granted regular bail by the Coordinate Bench of this Court vide order dated 02.03.2022. The petitioner is in custody since 21.12.2021. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on

regular bail.

On the other hand learned State counsel has opposed the present petition on the ground that recovery in large scale along with weapons and vehicles was made from the co-accused. The petitioner and other co-accused are indulged in the drug racket. The petitioner is a habitual offender and he is also involved in 09 other cases.

I have heard learned counsel for the parties and gone through the paper-book.

Keeping in view the facts and circumstances of the case, custody period of the petitioner, parity with co-accused Avninder Singh @ Shunty, Amrinder Singh @ Ravi and Akashdeep @ Akashdeep Singh, who have already been granted concession of regular bail and also the fact that the trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and the petitioner-Vijay Kumar @ Gyani @ Gavi is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

State will be at liberty to file application for cancellation of petitioner's bail, if he is found involved in any other case under the NDPS Act during the period of bail.

07.02.2023

kothiyal

(ASHOK KUMAR VERMA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No