

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-20047-2023

Date of Decision: 31.5.2023

Gurdeep Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Anil Kumar Bhardwaj, Advocate
for the petitioner.

Mr. Hakam Singh, AAG, Punjab.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.171 dated 7.8.2022 registered for the offences punishable under Sections 21 of NDPS Act (Sections 29 and 30 of NDPS Act added later on) at Police Station Special Task Force, Phase-4, Mohali.

2. The allegations in nutshell are that the police apprehended co-accused Swaran Singh and Jasveer Singh and that recovery of 600 grams of Heroin was effected from them and they further disclosed that the said contraband was procured by them from Gursewak Singh, Mohan Singh and the present petitioner. Thereafter, the petitioner was arrested in this case on 9.1.2023 and during investigation, no contraband was recovered from possession of the petitioner.

3. Counsel for the petitioner *inter alia* contends that FIR in this case was registered against Swaran Singh and Jasveer Singh and the

petitioner was named as accused on the basis of the disclosure statement made by aforesaid Jasveer Singh. It is further submitted that admissibility and veracity of the alleged disclosure statement made by co-accused against the present petitioner will be dealt by the learned trial Court. It is further submitted that the petitioner was arrested in this case on 9.1.2023 and no incriminating article was recovered at this instance. Counsel for the petitioner further submits that the petitioner is aged about 71 years of age and it will take time for the trial to conclude. So, prayer is made that the petitioner, who is having no criminal history, be released on bail.

4. Status report by way of affidavit of Rajbir Singh, DSP, Special Task Force, Ferozepur Range, Ferozepur filed on behalf of the State is ordered to be taken on record along with report of FSL (Annexure R-1).

5. Present petition is resisted by the State counsel who submits that the petitioner was named as accused on the basis of the disclosure statement made by co-accused Jasveer Singh who along with Swaran Singh was apprehended by the police with 600 grams of Heroin on 7.8.2002 and thereafter, the petitioner was arrested on 9.1.2023. State counsel further submits that after completion of investigation, the police has presented the challan but it will take considerable time for the trial to conclude. However, the State counsel has not disputed the fact that the petitioner is aged about 71 years and is having no criminal history.

6. I have considered the submissions made by the counsel for the parties.

7. Admittedly, the petitioner was not named in the FIR and was named as accused on the basis of the disclosure statement made by co-accused Jasveer Singh and thereafter, arrested on 9.1.2023 and during

investigation, no contraband is stated to have been recovered from possession of the petitioner. The aforesaid disclosure statement will be tested during trial but it will take considerable time for trial to terminate. As has been admitted by the State counsel, the petitioner is an old person aged about 71 years and is having no criminal antecedents.

8. In view of above, no purpose is going to be served by keeping the petitioner in custody for any further period.

9. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

May 31, 2023
Paritosh Kumar

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