

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

CRM-M-31355-2022
Date of Decision:-**27.03.2023**

GURPREET SINGH ALIAS KARAN ... Petitioner(s)

Versus

STATE OF PUNJAB ... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Prince Sharma, Advocate
for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab.

-.-

KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.167 dated 26.6.2021 registered under Section 21(C) NDPS Act at Police Station Gate Hakima, Police Commissionerate Amritsar District Amritsar.

As per the allegations appearing on the record, on 26.6.2021, three young boys were seen by the police party headed by SI Dilbagh Singh, one of them was petitioner-Gurpreet Singh @ Karan. On seeing the police officials, the present petitioner and one another young boy fled away from there while co-accused Ajay Singh was apprehended and on his search 317 grams heroin was recovered from his possession. As per prosecution version co-accused Ajay Singh disclosed that one of the two young boys, who escaped from the spot was petitioner Gurpreet Singh @ Karan and

accordingly the petitioner was named as accused and thereafter he was arrested on 19.9.2021.

The counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and the prosecution story is highly improbable as per which the petitioner succeed in escaping the spot in the presence of police party headed by SI Dilbagh Singh. The counsel for the petitioner further submits that the petitioner is in custody since last 1 year and 6 months and during investigation no contraband was recovered by the police from the petitioner and now after completion of investigation challan has been presented and charges have been framed but trial is not progressing ahead. The counsel further submits that petitioner is also facing one another case of similar nature under NDPS Act wherein he is already granted bail by the trial Court vide order dated 18.4.2022, whose copy is taken on record. So prayer is made that petitioner be released on regular bail.

The instant petition is contested by the State counsel, who on instructions from ASI Randhir Singh submits that co-accused Ajay Singh was apprehended at the spot by the police while the petitioner and another boy succeeded in escaping and on personal search of Ajay Singh 317 grams heroin was recovered. The State counsel further submits that co-accused Ajay Singh disclosed to the police that one of the boys who escaped from the spot was petitioner and accordingly petitioner was nominated as accused and thereafter arrested. However the State counsel has not disputed the fact that during investigation no contraband was recovered from the presence of the petitioner who is in custody since last 1 year and 6 months. The State

counsel has not disputed the fact that one another case under the NDPS Act which is being faced by the petitioner, he is granted regular bail. The State counsel further apprised the Court that indeed the trial is not progressing further as till date one prosecution witness has been partly examined out of total 16 witnesses.

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

Admittedly the petitioner was not arrested at the spot from where police apprehended co-accused Ajay Singh along with 317 grams heroin. The petitioner is named as accused on the basis of alleged disclosure made by co-accused Ajay Singh. The disclosure, if any, made by co-accused against the petitioner is subject matter of trial. The petitioner is in custody for the last 1 year and 6 months and is involved in one another case under NDPS Act, in which, he is enlarged on bail. It will take considerable time for the trial to conclude as till date even the statement of PW-1 is yet to be completed. Further no contraband was recovered from the petitioner during investigation of this case. In the given circumstances, no purpose is going to be served by keeping the accused behind the bars for any longer period.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

27.03.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

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Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No