

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

217

**CRM-M-39622-2020  
Date of decision: 28.11.2023**

**GURLAL SINGH****.....PETITIONER**

**VERSUS**

**STATE OF PUNJAB****.....RESPONDENT****CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Jasdeep Singh Gill, Advocate  
for the petitioner.

Mr. Mohit Kapoor, Addl. A.G., Punjab.

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**MANJARI NEHRU KAUL, J. (ORAL)**

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in FIR No. 108 dated 28.05.2020 under Sections 18, 21, 29 NDPS Act, 1985 and Section 201 IPC registered at Police Station Khem Karan, District Tarn Taran.

2. Short reply by way of affidavit of Lakhbir Singh, PPS, Deputy Superintendent of Police, Sub Division Valtoha, Camp at Bhikhiwind, District Tarn Taran, on behalf of respondent-State, has been filed in Court today, which is taken on record and a copy thereof has been supplied to the counsel opposite.

3. Learned counsel for the petitioner submits that there was no cogent evidence on record, which would even remotely link him with the recovery of 8 Kgs and 30 grams of heroin along with 30 grams of opium, allegedly effected from the land of his father, which adjoins the international border along side Pakistan.

4. It has been further submitted that as per the case of prosecution, the petitioner had been linked with the alleged recovery on the basis of two telephonic

conversations between the petitioner and the suppliers of the contraband, who were

based across the border. However, the mobile phones from which the said telephonic calls were made across the border, were not even in the name of petitioner. He submits that in the circumstances, there being no convincing material/evidence on record, it was evidently a case of false implication.

5. It has been further submitted that the petitioner was taken in custody on 28.05.2020 and thereafter, he was extended interim bail on 05.04.2021; the challan was presented on 18.11.2020, however, only 7 prosecution witnesses, out of the 17 cited, had been examined so far.

6. A prayer has, therefore, been made to make the interim order dated 05.04.2021 absolute in the above facts and circumstances, more so, when there is no likelihood of the trial concluding anytime in the near future.

7. Per contra, learned State counsel while vehemently opposing the prayer and submissions made by the counsel opposite has submitted that a secret information had been received qua involvement of the petitioner in the sale and purchase of narcotic substances. Pursuant to the secret information, raid was carried out along with officials of the Border Security Force, in the fields of the father of the petitioner leading to a huge recovery of 8 kgs and 30 grams of heroin along with 30 grams of opium. It has also been submitted that the petitioner is involved in another case under the NDPS Act. Learned State counsel has still further submitted that there was no occasion for the police to falsely implicate the petitioner in the instant case and plant such a huge recovery and too in the fields of his father.

8. It has still been further submitted by the learned State counsel that during investigation, it had come to the fore that the petitioner had destroyed his mobile phone to erase evidence of his telephonic conversations across the border, however, still two out of those erased calls could be retrieved, which left no manner of doubt about his involvement in the crime in question.

9. Learned State counsel has also submitted that the next date before the

trial Court is 06.12.2023, when some more prosecution witnesses are likely to be examined and hence there is every possibility that the trial would not take much time to conclude.

10. I have heard learned counsel for the parties and perused the relevant material on record.

11. A perusal of the FIR (Annexure P-1) reveals that a specific secret information had been received, wherein the petitioner had been named and it had also been stated that the petitioner had concealed contraband in the land in question. *Prima-facie*, there are serious allegations against the petitioner and the recovery of 8 kgs and 30 grams of heroin along with 30 grams of opium effected from the fields in the name of his father falls under the commercial category. Hence, in view of the bar created under Section 37 of the NDPS Act, this Court is not inclined to extend the concession of bail to the petitioner.

12. Dismissed.

13. Nothing contained herein above, shall be construed as an expression of opinion on the merits of the case.

14. However, learned trial Court shall make earnest efforts to expedite the trial and conclude the same preferably within the next 3 months. The petitioner, who is on interim bail is directed to surrender before the trial Court on or before 04.12.2023.

28.11.2023

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(MANJARI NEHRU KAUL)  
JUDGE

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