

IN THE HIGH COURT OF PUNJAB AND HARYANAAT  
CHANDIGARH

211

CRM-M-51121-2022 (O&M)

Date of Decision: 22.05.2023

GURPREET SINGH ALIAS GOPI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. Anmol Rattan Sidhu, Senior Advocate with  
Mr. Raghav Gulati, Advocate  
for the petitioner.

Mr. Kunal Muthreja, AAG, Punjab.

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**HARNARESH SINGH GILL, J.(Oral)**

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.60 dated 08.05.2021, registered at Police Station Special Task Force, District STF Wing, under Sections 21(c) and 29 (added later on) of the NDPS Act, 1985, the first one having been dismissed as withdrawn vide order dated 26.08.2022.

Learned Senior Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner was not named in the FIR and has been indicted on the disclosure statement of co-accused, namely, Ajay Kumar; that no recovery was effected from the petitioner and that the petitioner has been in custody since 22.05.2021. He further submits that in another case under the NDPS Act, the petitioner has been acquitted and that as per the

allegation levelled by the co-accused, the contraband was sent to him by the petitioner through some unknown person and the money was transferred in the account of one Inderjit Singh, who is not an accused in the present case. Still further, it is submitted that 9 (nine) prosecution witnesses are yet to be examined.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner was indicted on the basis of the disclosure statement of the co-accused, who was arrested on the spot along with the contraband. He further submits that material witnesses are yet to be examined and thus, the petitioner does not deserve the concession of regular bail.

I have heard the learned counsel for the parties.

Neither any recovery was effected from the petitioner nor he was arrested at the spot. The petitioner was arrested on the basis of the disclosure statement of the co-accused. The petitioner has been in custody since 22.05.2021. As per the learned Senior counsel for the petitioner, in another case registered against the petitioner under the NDPS Act, the petitioner stands acquitted. Co-accused from whom the recovery was effected, is behind the bars. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on

the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

22.05.2023

Aman Jain

Whether speaking/reasoned

Whether reportable

(HARNARESH SINGH GILL)

JUDGE

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Yes/No

Yes/No