

CRM-M-48545-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: 28.11.2023

GURSEWAK SINGH ALIAS SUCHA ALIAS BABBU

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Munish Gulati, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No._171 dated 07.08.2022, registered under Section 21 NDPS Act, 1985 and Sections 29 and 30 (added later on) NDPS Act, 1985, at Police Station Special Task Force, Phase-4, District Mohali.

2. It is submitted by learned counsel for the petitioner that the case against the petitioner is concocted. Even as per the story of the prosecution, nothing has been recovered from the petitioner. The name of the petitioner has surfaced in the case only on the basis of the alleged disclosure statement of the co-accused, namely, Swaran Singh and Jasveer Singh, from whom 600 gram of heroin was recovered. However, the police have not been able to collect any evidence to connect the petitioner either to the arrested co-accused or to the material, allegedly, recovered from

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them. Moreover, the other co-accused, who has similarly been named by the co-accused from whom the contraband was recovered, has already been granted the concession of bail pending trial by the Coordinate Bench of this Court. The petitioner has been in custody since 14.07.2023. The petitioner is not involved in any other case; the investigation of the case is complete and the petitioner is not required for any further investigation purposes. Therefore, the petitioner deserves to be released on bail pending trial.

3. Notice of motion.

4. On the asking of this Court, Mr. J.S.Guru, AAG, Punjab, accepts notice on behalf of the respondent-State. Custody certificate of the petitioner has been filed by the State counsel today in the Court. The same is taken on record. Learned State Counsel, on instructions, from the concerned police official, submits that the petitioner has been found involved in drug peddling as a member of the international gang; having contacts with Pakistan and managing supplies from there. The co-accused from whom the contraband had been recovered, have specifically named the petitioner as a supplier of the material. However, it is not disputed that except the disclosure statement, there is nothing with the prosecution to connect the petitioner either to the co-accused from whom the material was recovered or to show that he had any connection with anybody in Pakistan or that he had any connection with the material, which was recovered from the co-accused.

5. In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his

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furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty
Magistrate, concerned.

28.11.2023
parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

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