

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-11492 of 2024 (O&M)
Date of Decision:30.04.2024

Gurjant Singh @ GuriPetitioner
Vs.
State of PunjabRespondent

CORAM: HON’BLE MR. JUSTICE DEEPAK GUPTA
Present: Ms. Anmol, Advocate for the petitioner.
Mr. Sahil R. Bakshi, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

CRM No.13501 of 2024

This is an application for placing on record the copy of order dated 14.03.2024 whereby the applicant-petitioner was allowed by the trial Court in case FIR No.7 dated 17.01.2018 registered under Sections 21/29 (Act No.61 of 1985) of the NDPS Act at Police Station Lohian, Jalandhar.

Application is allowed. Annexure P.5 is taken on record.

CRM-M-11492 of 2024

Status report by way of affidavit of Shri Sukhwinder Singh, PPS, Deputy Superintendent of Police (City Ferozepur) has been filed on behalf of the respondent- State.

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.315 dated 11.08.2023 registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 201 IPC at Police Station City Ferozepur, District Ferozepur.

2. As per allegations, 1 Kg 500 grams of heroin was recovered from possession of co-accused Sarvjit Singh alias Shubham on 11.08.2023.

Allegation is that during interrogation, said co-accused Sarvjit Singh nominated the petitioner to be the supplier.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated as at the time of alleged recovery from co-accused Sarvjit Singh, petitioner was confined in jail in another case bearing FIR No.176 dated 04.06.2022 registered under Sections 21 and 25 of the NDPS Act, registered at Police Station City Feorzepur, District Ferozepur, in which petitioner was allowed bail vide order dated 25.01.2024 passed in CRM-M-34154 of 2016 (Annexure P.3).

4. Learned State Counsel has opposed the bail petition by pointing out towards the status report filed today, as per which, it was disclosed during interrogation by co-accused Sarvjit Singh that he had received a call from whats-app No.90958-46666 on 11.08.2023 from petitioner – Gurjant Singh @ Guri, so as to collect the contraband from an unknown person. However, learned State Counsel is unable to convince this Court as to how the call was made by petitioner from the jail and as to whether the Investigating Officer collected any call detail records to know the location of the petitioner at the relevant time.

5. It is conceded by learned State Counsel that no recovery has been effected from the petitioner in this case. Besides, the petitioner is in custody for the last 08 months and 16 days though he is involved in three more cases as per the custody certificate placed on record.

6. Having regard to the afore-said facts and circumstances, but without commenting anything further on merits of the case, present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and

surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

30.04.2024
pry

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No