

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(1) CRM-M-12999-2023 (O&M)

Gurpreet Singh @ Ghuggi ...Petitioner

Versus

State of Punjab ...Respondent

(2) CRM-M-17843-2023 (O&M)

Nitin Brar @ Nitinpreet Singh Brar ...Petitioner

Versus

State of Punjab ...Respondent

Date of Decision:- 18.3.2024

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Jashandeep Singh Sandhu, Advocate for the petitioner
in CRM-M-12999-2023.

Mr. Himmat Singh Deol, Advocate for the petitioner
in CRM-M-17843-2023.

Mr. Gauravdeep Singh Dhaliwal, DAG, Punjab.

FIR NO.	DATE	POLICE STATION	OFFENCES
68	28.05.2021	Tapa, District Barnala	Under Sections 399, 402 IPC, Section 25 of the Arms Act (Section 411 IPC and Sections 21(c), 29 of the NDPS Act added later on)

GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned two petitions filed on behalf of Gurpreet Singh @ Ghuggi and Nitin Brar @ Nitinpreet Singh Brar seeking grant of regular bail in a case arising out of above mentioned FIR.

2. The FIR was lodged on the basis of secret information received by Inspector Jagjit Singh while he was present alongwith police officials in the area of Tajo Kanchian for the purpose of patrolling. The secret information was to the effect that Gurpreet Singh, who had escaped from jail and against whom several cases of looting, snatching, drugs, kidnapping, fighting etc. were pending alongwith his accomplices Jasdeep Singh @ Gagi, Rohit Ram, Kuldeep Singh @ Gobind, Akashdeep Khan, against whom also several cases of extortion, snatching etc. were registered had constituted a gang and were possessing illegal weapons and had, thus, created an atmosphere of fear amongst common people. It is further alleged that the said persons were addicted to '*chitta*' and other narcotics and used to sell '*heroin*' in the area of Tapa after procuring it from outside. The information was further to the effect that the said persons had gathered at an uninhabited place near Tapa Grain Market and were planning to commit some crime.
3. It is the case of prosecution that pursuant to receipt of aforesaid information, a raid was conducted at the nominated place from where Gurpreet Singh @ Ghuggi, Jasdeep Singh @ Gagi, Rohit Ram, Kuldeep Singh @ Gobind and Aakashdeep Khan were apprehended and who were found in possession of 320 grams of '*heroin*', two pairs of gloves, one piece of silver, one sheet of cloth, one 12 bore country-made loaded pistol and two cartridges, one '*gandasi*', one dummy pistol, one '*kirch*', L-type iron punch and two motorcycles. It is further the case of prosecution that during the course of interrogation, Gurpreet Singh @ Ghuggi, nominated Gurmeet Singh @ Kala Mann as an additional accused and upon his arrest on 02.06.2021, he was interrogated on 04.06.2021 wherein he disclosed that he had given 100

grams of '*heroin*' and one revolver .38 bore alongwith 10 cartridges to Nitin Brar @ Nitinpreet Singh Brar and had also given a country made .12 bore pistol, 2 cartridges and 400 grams of '*heroin*' to Gurpreet Singh @ Ghuggi. Nitin Brar @ Nitinpreet Singh Brar was arrested on 4.6.2021 and on the basis of his disclosure statement one .38 bore revolver, one cartridge, two empty cartridges and 50 grams of '*heroin*' were recovered from an almirah of his house. Later, Nitin Brar @ Nitinpreet Singh Brar also got recovered an amount of Rs.1,40,000/-, a Baleno car, a dummy pistol, two live cartridges of .38 bore revolver and five empty cartridges.

4. The learned counsel for the petitioners submitted that they have falsely been implicated in the present case and that there is no evidence to substantiate the allegations against the petitioners.
5. The learned counsel representing the petitioner – Gurpreet Singh submitted that the police claims to have arrested Gurpreet Singh, Jasdeep Singh, Rohit Ram, Kuldeep Singh and Akashdeep Khan and that 320 grams of '*heroin*' and a country-made pistol and some other small articles were recovered but even if the aforesaid recoveries are accepted to be correct, still having regard to the long custody of more than 2 years and 8 months of the petitioner, he deserves to be released on bail.
6. The learned counsel representing the petitioner – Nitin Brar submitted that he is no where named in the FIR and came to be nominated as an accused pursuant to a string of disclosure statements and that as per the case of prosecution initially Gurpreet Singh made a disclosure statement nominating one Gurmeet Singh as an accused and upon arrest of said Gurmeet Singh, he is alleged to have disclosed the name of the petitioner and the petitioner is

alleged to have been found in possession of 50 grams of 'heroin' and a revolver alongwith cartridges and is also later stated to have got recovered an amount of Rs. 1,40,000/-, a Baleno car, a dummy pistol and some cartridges. It has been submitted that the petitioner Nitin Brar has been behind bars since the last more than 2 years and 3 months and as such, he also deserves the concession of bail.

5. Opposing the petitions, the learned State counsel submitted that both the petitioners are seasoned criminals having been involved in a large number of cases. It has been submitted that since contraband as well as arms were recovered when the petitioners were arrested, their complicity is clearly evident. The learned State counsel has informed that while Gurpreet Singh has been behind bars since the last 2 years 8 months and 24 days, Nitin Barar has been behind bars since the last 2 years 3 months and 12 days. The learned State counsel has informed that both the accused stand involved in more than a dozen other cases.
6. This Court has considered rival submissions addressed before this Court.
7. Having regard to the fact that the petitioners were found in possession of contraband as well as unauthorized arms and have criminal antecedents even to the extent that Gurpreet Singh had earlier escaped from the police custody on one occasion, it is evident that the petitioners are seasoned and habitual offenders. Under such circumstances, it will not be in societal interest to release them on bail.
8. Both the petitions are, thus, found to be sans merit and are hereby dismissed. The trial Court, is however, directed to take necessary steps for expeditious conclusion of trial.

9. A photocopy of this order be placed on the file of connected case.

18.3.2024
kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No