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

(229)

CRM-M-15002-2024 (O & M)

Date of Decision:-04.07.2024

Gurbir Singh alias Gopi

.....Petitioner.

Vs.

State of Punjab

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Parivartan Singh, Advocate,
for the Petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.3 dated 08.01.2024 under Sections 21 of the NDPS Act registered at Police Station Gharinda, Amritsar.

2. The brief facts of the case are that on the basis of secret information, the house of Amandeep Singh @ Meeda was raided and while he managed to flee away, the recovery of 510 grams of heroin came to be effected from the premises.

On the basis of the secret information, Gurbir Singh @ Gopi (petitioner) was nominated as an accused and was arrested on 09.01.2024. He suffered his disclosure statement to the effect that at the instance of a Pakistani smuggler, namely, Umar, he (petitioner) was involved in trafficking of the narcotics.

Amandeep Singh @ Meeda was arrested on 13.03.2024 and disclosed that the contraband recovered from his residence on 08.01.2024 had been procured from the present petitioner.



::2::

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He has been nominated as an accused only on the basis of secret information. Pursuant to his arrest, no recovery was effected from him. Thereafter, he came to be named once again in the disclosure statement of the arrested accused-Amandeep Singh @ Meeda. He, therefore, contends that as the petitioner had been nominated on the basis of a secret information and subsequently, came to be named in the disclosure statement of a co-accused, he was entitled to the concession of bail as no recovery was effected from him, he was a first-time offender, in custody since 09.01.2024 and none of the 15 prosecution witnesses had been examined so far.

4. The learned counsel for the respondent-State, on the other hand, has filed a status report dated 23.05.2024 which is taken on record. While referring to the said status report, he contends that in view of the serious allegations levelled against the petitioner, he was not entitled to the grant of bail. He, however, admits that the petitioner has been nominated as an accused on the basis of a secret information and subsequently, came to be named as an accused in the disclosure statement of the arrested accused but no recovery was effected from him. He also concedes that the petitioner was a first-time offender, in custody since 09.01.2024 and none of the 15 prosecution witnesses have been examined so far.

5. I have heard the learned counsel for both the parties at length.

6. In the instant case, the petitioner is named in the secret information and thereafter, in the disclosure statement of his co-accused and no recovery whatsoever has been effected from him. Further, the petitioner is a first-time offender, in custody since 09.01.2024 and none of the 15



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prosecution witnesses have been examined so far. Therefore, the Trial in the present case will not conclude anytime soon. Hence, the further incarceration of the petitioner is not required as a prima facie satisfaction under Section 37 NDPS can be recorded in the aforementioned factual scenario.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Gurbir Singh @ Gopi is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present one.

9. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

July 04, 2024
sukhpreet

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