



In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-26263-2024 (O&M)
Date of Decision:-29.5.2024

Aakashdeep Khan @ Akashdeep Singh ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Munish Garg, Advocate for the petitioner.
Mr. I.P.S. Sabharwal, DAG, Punjab.

FIR No.	Dated	Police Station	Section/s
68	28.5.2021	Tappa Mandi, District Barnala	399, 402 of Indian Penal Code, Section 25, 54, 59 of Arms Act wherein offences under Sections 21, 25 and 59 of Narcotic Drugs and Psychotropic Substances Act, 1985 were added later on.

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned 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 2.6.2021, he was interrogated on 4.6.2021 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 Gupreet 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. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the instant case and that two other identically situated co-accused namely Rohit Ram and Jasdeep Singh @ Gagi, who were also apprehended alongwith petitioner, have already been released on regular bail. Learned counsel for the petitioner submits that the petitioner in any case has been behind bars since the last about 3 years and that since the trial has not made any headway, the petitioner deserves to be released on regular bail.
5. Opposing the petition, learned State counsel submitted that since it is a case of recovery of 'commercial' quantity of contraband i.e. 320 grams of 'heroin', no case for grant of regular bail is made out. It is however not disputed that the petitioner has been behind bars since the last about 3 years and that as on date, 9 PWs out of the cited 27 PWs have been examined. It has also been informed that the petitioner happens to be involved in one more case under Prisons Act.
6. This Court has considered the rival submissions addressed before this Court.
7. Having regard to the long custody of the petitioner and the fact that the conclusion of trial is likely to consume time inasmuch as only 9 PWs out of the cited 27 PWs have been examined so far and also bearing in mind that



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two other identically situated co-accused have already been granted bail, further detention of the petitioner will not serve any useful purpose.

8. The instant petition, as such, is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.5.2024
Geeta

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No