



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CRM-M-29235-2024
Date of decision: November 14th, 2024

Gurlal Singh
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rehat Bir Singh Mann, Advocate
for the petitioner.

Mr. Mohit Kapoor, Senior Deputy Advocate General,
Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in
FIR No.32 dated 14.09.2023 under Sections 21, 21(c), 22(c), 23(c), 25,
27-A, 29 of the NDPS Act, 1985 and Sections 42, 52-A of Prisons Act
registered at Police Station State Special Operations Cell,
Intelligence Wing, District Amritsar.

2. Reply by way of affidavit of Deputy Superintendent of
Police, State Special Operation Cell, Amritsar, has been filed in Court,
which is taken on record.

3. Learned counsel for the petitioner submits that the
petitioner has been named as an accused in the present FIR solely on the
basis of a disclosure statement allegedly suffered by co-accused
Gurmeet Singh, Angrej Singh, Rustam and Balwinder Singh alias Billa,
against whom secret information was received regarding their
involvement in drug trafficking. Learned counsel has further contended

***CRM-M-29235-2024******-2-***

that, at the time of the registration of the instant FIR, it is a matter of record that the petitioner was already lodged in Central Jail, Goindwal Sahib, in connection with FIR No.93 dated 10.12.2015. Additionally, it has been argued that when the petitioner was brought on production warrants in the present case and subsequently arrested on 18.09.2023, no recovery of any contraband, mobile phones, or any other article was made from him, let alone based on any disclosure statement suffered by him. Learned counsel has asserted that pertinently since the mobile phones allegedly recovered from the co-accused were not even registered in the name of the petitioner, it left no manner of doubt that the petitioner was in no manner connected with the co-accused, who had named him in a disclosure statement. Learned counsel has argued that the mere presence of the petitioner in the same jail barrack as co-accused Gurpreet Singh alias Gopi cannot, in the absence of any evidence, serve as a basis to link him with the co-accused or the syndicate allegedly operated by them, nor to connect him with the contraband recovered from the co-accused.

4. It has also been submitted by the learned counsel that identically placed co-accused Gurpreet Singh alias Gopi, from whom two mobile handsets were allegedly recovered and who too was lodged with him in Central Jail Goindwal Sahib, had already been granted the concession of bail, and hence, the petitioner also deserved similar relief.

5. *Per contra*, learned State counsel, on instructions, has not disputed that no contraband much less heroin or even any mobile handsets were recovered from the petitioner when he was arrested on

***CRM-M-29235-2024******-3-***

18.09.2023. It has also not been disputed that the mobile handsets recovered from the co-accused were not registered in the name of the petitioner. However, learned State counsel has submitted that a huge recovery of 1600 grams of heroin was affected from co-accused following a secret information and these accused then nominated the petitioner in the present case as an accused; the petitioner was incarcerated in the same jail barrack as the co-accused and was also booked in one other case under the NDPS Act, lending credence to the disclosure statement made by the co-accused qua his involvement with their gang.

6. I have heard learned counsel for the parties and perused the material placed on record.

7. The petitioner has been in custody since 18.09.2023; challan was presented on 12.03.2024 followed by framing of charges on 07.06.2024. However, till date none of the 31 prosecution witnesses have been examined. In addition, as not disputed by the learned State counsel, no recovery of any contraband or even mobile handsets was affected from the petitioner; the petitioner is being sought to be linked to the co-accused only on the basis of some mobile calls made between him and them.

8. In the facts and circumstances as enumerated hereinabove, further incarceration of the petitioner would serve no useful purpose. Hence, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.



CRM-M-29235-2024

-4-

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

November 14th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No