



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33074-2024

Date of Decision:- 02.12.2024

SARMAIL SINGH@SHELLA

....Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

AMARJOT BHATTI, J.

1. Petitioner has filed instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.259 dated 05.12.2023 under Sections 21, 23, 25 and 29 of NDPS Act registered at Police Station Gharinda, District Amritsar (Rural).

2. As per facts of the case, SI Dilbagh Singh and the police party was on routine patrolling and when they reached near Golden Petal Resort, they apprehended one motorcyclist who was carrying polythene bag. He on seeing the police party got perplexed and tried to escape on motorcycle. He was controlled by the police party. Rider of Hero Splendor motorcycle bearing registration No.PB-02-DY-2963 disclosed his name Gaurav Singh @ Gaurav son of Sarabjit Singh and from his possession 540 grams of heroin along with packing material and reflector was recovered. On the

basis of this recovery, present FIR was registered. During the course of investigation in disclosure statement, present petitioner was named.

3. Counsel for petitioner argued that he is falsely implicated in this case on the disclosure statement of Gaurav Singh. In-fact, he was in Jail in some other case since 16.02.2023. Investigating Agency has tried to connect him on the basis of call detail. The allegations are false and without any basis. Therefore, his bail application may be allowed.

4. Detailed status report has been filed. Aforesaid factual position is not disputed. It is argued that present petitioner came in contact with main accused Gaurav Singh @ Gaurav in gym. While present petitioner was in Central Jail, Amritsar, Co-accused Gaurav Singh was carrying consignment heroin on his instructions. It is further pointed out that present petitioner is involved in six other cases including cases under NDPS Act, therefore, he is not entitled to be released on bail.

5. I have considered the arguments and have gone through the record. Admittedly, no recovery is effected from the present petitioner. At the time of registration of FIR, petitioner was in jail. Prosecution is alleging that main accused Gaurav Singh used to contact the petitioner through whats app call. Along with status report, there is no such call detail record. Involvement of present petitioner with Gaurav Singh is matter of trial. Other FIRs registered against him will be decided on its own merits. Considering the factual position, petition filed by petitioner is allowed. He is ordered to be released on bail to the satisfaction of trial Court/Duty Judge, concerned.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

02.12.2024
snd

Whether speaking/reasoned: Yes/No.
Whether reportable: Yes/No