

213
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42131-2023
Date of decision: 25.01.2024

Gagandeep Sigh
...Petitioner

Versus

State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. G.S. Bedi, Advocate for the petitioner.
Mr. J.S. Bhandari, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case FIR No.131 dated 08.05.2023, under Sections 21, 25, 29 of NDPS Act and Sections 25 & 27 of Arms Act, at Police Station STF, Civil Lines, Batala.
2. As per the allegations appearing on the record, FIR in this case was registered against co-accused Akashdeep Singh on the basis of secret information that he was indulging in drug trafficking. There are also allegations that after the registration of the FIR on 09.05.2023, house of Akashdeep Singh was raided but he managed to escape and police recovered 155 grams of Heroin from the spot. Thereafter, Akashdeep Singh who is brother of the petitioner was apprehended by the police on

16.05.2023 and he disclosed the name of his father Gurinder Singh and then the raid was conducted at the house of Gurinder Singh and Gurinder Singh was arrested and recovery of 950 grams of Heroin was effected from double bed lying in his room, The petitioner was also arrested on the same day i.e. 16.05.2023 and is presently lodged in judicial custody.

3. The counsel for the petitioner submits that the petitioner was falsely implicated in the present case and no contraband was recovered from his possession and is in custody for the last more than 8 months and is not facing any other criminal case and that it will take considerable time for trial to conclude and that the involvement if any, of the petitioner in the present case will be adjudicated during trial. So, prayer is made that the petitioner be released on regular bail.

4. The present petition is resisted by the State counsel who submits that the present case is relating to recovery of more than 1 kg of heroin which was effected from brother and father of the petitioner. It is further submitted that the petitioner was arrested in this case on 16.05.2023 and trial will commence after framing of charges. However, the State counsel on instructions from ASI Gurinder Singh has not disputed the fact that no contraband was recovered directly from possession of the petitioner and that at present no other criminal case is being faced by the petitioner but he was sentenced to already undergone period in one another case under NDPS Act relating to non commercial quantity of contraband.

5. The FIR in this case was registered against co-accused Akashdeep Singh and thereafter, Gurinder Singh father of the petitioner was nominated as accused and from them recovery of 1105 grams of heroin was

effected. The name of the petitioner surfaced later on and he was arrested on 16.05.2023. As has been admitted by the State counsel, no contraband was recovered from conscious possession of the petitioner who at present is facing no other criminal case. On completion of investigation, police presented challan against the petitioner but trial will commence only after framing of charges and thereafter, it is going to take time for trial to conclude. It is a moot point as to whether the petitioner could be held liable for aforesaid recovery of 155 grams of heroin from Akashdeep Singh and recovery of another 950 grams of heroin from Gurinder Singh and Akashdeep Singh.

6. In light of the above, no purpose is going to be served by prolonging the judicial custody of the petitioner.

7. Consequently, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned, if the petitioner is not required by the police in any other criminal case.

25.01.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No