

[235] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54833-2023
Date of Decision : 23.01.2024

Arshdeep Singh @ Bholu @ Ravi ...Petitioner
versus

State of PunjabRespondent

Coram : HON'BLE MR. JUSTICE DEEPAK GUPTA

Present : Mr. Amit Arora, Advocate for the petitioner.
Mr. Karunesh Kaushal, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

[1] The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.11 dated 17.05.2023 under Sections 21, 25, 27(A), 29 of NDPS Act, 1985, registered at Police Station State Special Operations Cell, Amritsar, Intelligence Wing (CID), District Amritsar.

[2] Status report by way of affidavit dated 18.01.2024 of Shri Harwinderpal Singh, PPS, Deputy Superintendent of Police, State Special Operations Cell, Punjab, Amritsar, on behalf of the respondent-State along with custody certificate dated 22.01.2024 have been filed in Court today. The same are taken on record.

[3] As per prosecution allegations, on the basis of secret information, co-accused Robin Singh and Harpal Singh were apprehended and recovery of 1 kg. and 600 grams of heroin besides one pistol of .45 bore along with the magazine and six live cartridges and drug money of Rs.2 lacs were recovered.

[4] On the basis of disclosure made by them, 1 kg. more heroin was recovered from the house of Robin Singh and 600 grams of heroin

was recovered from the car of Harpal Singh. Robin Singh also got recovered 580 grams of gold jewelry, Rs.3 lacs drug money and 20 live cartridges. During the course of investigation, name of the co-accused Arshdeep Singh @ Bholu @ Ravi (petitioner) and others emerged to be involved in the drug network.

[5] Learned counsel for the petitioner contends that role of the petitioner is alleged to have surfaced in the disclosure statement of co-accused which is not admissible; that no recovery was effected from the petitioner; that petitioner is not involved in any other case and that he is in custody for the last more than 06 months, so he be allowed bail.

[6] Learned State Counsel, on instructions from SI Nivrat Pal Singh, concedes the fact that neither recovery had been effected from the petitioner nor he is involved in any other case pertaining to NDPS Act. It is also conceded that case against the petitioner is based upon the disclosure statement of the co-accused in absence of any connecting evidence.

[7] Having regard to the above facts and circumstances, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

23.01.2024
'Rajneesh'