S. No.219 **2024:PHHC:034112**

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
****

CRM-M-56046 of 2023
Date of Decision:11.03.2024

Gurbir Singh alias Gogi **.....Petitioner**

Vs.

State of Punjab **.....Respondent**

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. J.S. Bains, Advocate for the petitioner.

Mr. Amandeep Singh, DAG, Punujab.

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DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner has prayed for grant of regular bail in case FIR No.110 dated 04.07.2023 registered under Sections 21, 23, 25 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Act No.61 of 1985) at Police Station Gharinda, District Amritsar Rural.

2. As per prosecution case, secret information was received against co-accused Baldev Singh @ Debu and Gurbir Singh to be involved in smuggling of heroin from across border. On the basis of this information, co-accused Baldev Singh was apprehended on 04.07.2023 and 260 grams of heroin was recovered from him. Said Baldev disclosed that 2 kg. of heroin was got smuggled on 04.07.2023.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated; that as per the prosecution allegations, only secret information was received against petitioner; that he was never involved in such case and that neither recovery was effected from him nor he was involved in any such activity.

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4. Status report has not been filed by the respondent- State despite granting opportunity.

5. Learned State Counsel could not refute the afore-said contentions to the effect that only the name of the petitioner has emerged in the secret information and that no recovery has been effected from him.

6. Custody certificate placed on record would reveal that the petitioner is in custody for the last 08 months 04 days. He is not involved in any other case.

7. On instructions from ASI Daljit Singh, learned State Counsel also informs that though challan has been filed but even the charges have not been framed so far.

8. Having regard to all the afore-said facts and circumstances of the case, but without commenting anything on the merits of the case, present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

March 11, 2024 **(DEEPAK GUPTA)**
renu **JUDGE**

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No

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