

GURDEEP SINGH ALIAS DEEPA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sandeep Gahlawat, Advocate for the petitioner.
Mr. Rahul Jindal, AAG, Punjab.

HARKESH MANUJA, J. (ORAL)

1. By way of this second petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No. 111 dated 21.05.2022 registered under Sections 21(B) of NDPS Act (Sections 21(c), 27(1) and 29 of NDPS Act as well as Section 25 of Arms Act, 1959 were added later on) at P.S. Phillaur, Jalandhar Rural, District Jalandhar wherein, the petitioner has been implicated on the basis of disclosure statement made by one Nidhi who happens to be wife of the petitioner from whom 42 grams of heroin was recovered besides the petitioner having named one Gagandeep Singh and two others in his disclosure statement made on 15.10.2022 whereby 2 Kgs heroin with one country-made pistol was recovered from the said Gagandeep Singh.
2. The prayer made herein has been vehemently opposed at the instance of learned State counsel while referring to the antecedents of petitioner who is stated to be involved in three more cases of NDPS, though, out of which, two relate to recovery of non-commercial quantity and in the third one, there was no recovery effected from the petitioner. Learned State counsel further submits that on the basis of disclosure statement made by present petitioner on 15.10.2022, one of the co-accused-Gagandeep Singh was apprehended from whom 2 Kgs of

heroin, one country-made pistol was recovered, besides, the petitioner facing one conviction against him in one of the FIRs involving recovery of 25 Kgs of poppy husk, does not deserve the concession of bail.

3. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

4. In the present case, the petitioner was initially apprehended on the basis of disclosure statement made by his wife on 15.10.2022 from whom 42 grams of heroin was recovered. The petitioner is behind the bars for a period of 1 year and 6 months, whereas, no recovery of any contraband was effected from him. Upon completion of investigation, challan stands filed followed by framing of charges, however out of 22 witnesses as cited by the prosecution, none has been examined so far and thus, the trial is likely to take some time. As regards involvement of petitioner in other NDPS cases, two of them relate to recovery of non-commercial quantity whereas in the third one, no recovery at all was effected from the petitioner. Considering the aforesaid facts and circumstances, this Court does not find justification to extend his incarceration any further.

5. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

02.05.2024

Tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No