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

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CRM-M-9751-2025 (O&M)
Date of decision:14.05.2025

Gurpreet Singh @ Gopi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ritesh K. Sharma, Advocate
for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case bearing FIR No. 30 dated 07.03.2024, registered under Sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short* 'NDPS Act') and Section 25 of the Arms Act, 1959 [Offences under Section 21(c), 22 and 29 of the NDPS Act, Sections 25(1B)a, 25(7), 25(8), 29 and 30 of the Arms Act and Sections 353, 186 and 307 of the IPC were added later on] at Police Station Shahkot, District Jalandhar. The previous petition, bearing number **CRM-M-23950-2024**, was dismissed as withdrawn on 16.05.2024.

2. Brief facts of the case relevant for the disposal of the present petition are that on 07.03.2024, a secret information was received by ASI

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Parvinder Singh to the effect that Vikas @ Vicky Bhawan, Akashdeep Singh @ Arsh, Pardeep and petitioner Gurpreet @ Gopi were indulged in the business of sale of heroin and illegal weapons in the area of Shahkot and were also involved in offences of snatching. Believing the information to be reliable, a police party headed by Inspector Yadwinder Singh reached at the informed place. Two persons were seen coming, who on seeing the police party ran into the street. Thereafter, both of them ran in different directions and the police officials started chasing them. The person, who was being chased by Inspector Yadwinder Singh, fired a shot with his country made pistol upon the police officials but it did not hit anyone. In retaliation, the Inspector Yadwinder Singh also fired a shot, which hit on the right leg of that person and he fell down. On inquiry, he disclosed his name as 'Vikas @ Vicky Bhawan'. A country made pistol and 04 live cartridges were recovered from him. The second person was also apprehended by the police party headed by ASI Mandeep Singh. On inquiry, he disclosed his name as 'Arshdeep Singh @ Arsh'. On his search, 260 grams of heroin and drug money of Rs.21,000/- was recovered from him. During investigation, it surfaced that the real name of co-accused Akashdeep Singh @ Arsh was in fact 'Arshdeep Singh @ Arsh'. Upon interrogation, Arshdeep Singh @ Arsh disclosed that the recovered contraband and illegal weapons were brought by co-accused Pardeep and the present petitioner and only they could disclose from where they procured the same. Thereafter, on 16.03.20-24, the petitioner and co-accused Pardeep Kumar were arrested. They admitted their guilt and involvement in the subject crime. They also disclosed that they used to bring heroin from one Vinod Kumar @ Mota and the recovered

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contraband and illegal weapons belonged to all of them. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences. He had moved an application before the learned trial Court for grant of regular bail but the same had been dismissed, vide order 29.04.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He has been nominated in this case on the basis of the disclosure statement suffered by above named co-accused, which is not admissible in evidence. The petitioner was neither present at the spot nor any recovery has been effected from him. There is nothing on record to connect him with the subject crime. No *prima facie* case for commission of offence under Section 307 of IPC or under the provisions of the Arms Act is made out against him. Even otherwise, investigation has since been completed and *challan* has been presented. Although, the petitioner is involved in one more case under the NDPS Act but he is on bail in that case. The petitioner is in custody since 16.03.2024. The trial is likely to take time to conclude as no witness has been examined so far. No useful purpose would be served by keeping the petitioner in custody anymore. It is, therefore, urged that the petition deserves to be allowed and the petitioner deserves to be released on bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Punjab has vehemently argued that the petitioner is not entitled to get benefit of bail as there are serious and specific allegations against him. He is duly named in the FIR. He along with co-

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accused had procured the contraband from above name Vinod Kumar @ Mota and had supplied the same to co-accused Arshdeep Singh @ Arsh. They all had formed a group and were actively involved in illegal activities of selling contraband, illegal weapons and also in snatching. The petitioner is involved in one more case under the NDPS Act. The trial may be expedited. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. As per the allegations, the petitioner along with the co-accused was involved in illegal activities of sale/purchase of heroin and illegal weapons. Although, he was named in the secret information, however, when the raid was conducted by the police in which above named two co-accused were apprehended, he was neither found at the spot nor any recovery has been effected from him subsequent to his arrest. The only allegation against him, as per disclosure statement suffered by the co-accused, is that he had procured the contraband and illegal weapons from some one and had given to co-accused. The petitioner is in custody since 16.03.2024. He is shown to be involved in one more case but he is on bail in that case. A perusal of the status report reveals that investigation has since been completed and *challan* has been presented. There are total 20 prosecution witnesses and none has been examined so far as even charges have not yet been framed. It goes to show that conclusion of trial is likely to take time. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The

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petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

14.05.2025

Wasim Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No