



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

236

CRM-M-40490-2023 (O&M)
Date of Decision:- 20.03.2025

GURPAVITAR SINGH

...Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Ashish Kaushik, Advocate for
Mr. A.P.S. Sandhu, Advocate for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
107	04.10.2022	21, 29 and 27(a) of the NDPS Act; 25 Arms Act; (3/4/5 of the Explosive Act added later on)	Ramdas, District Amritsar Rural, Amritsar, Punjab

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner is in custody since 07.10.2022 and no recovery has been effected from the petitioner. He contends that the petitioner is not



named in the FIR and he has been nominated on the basis of disclosure statement of Jugraj Singh, from whom the alleged recovery was effected. He submits that after the completion of investigation, challan has been presented in Court and the conclusion of trial will take sufficient long time, thus, prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the short reply filed by the State has opposed the petition on the ground that the petitioner is a habitual offender and happens to be the supplier of the contraband. He has however, not disputed the fact that after the completion of investigation, challan has been presented in Court.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution, a secret information was received by the police party regarding smuggling of heroin and weapons. On 04.10.2023, a *nakka* was laid and co-accused Jograj Singh was apprehended and from his possession 2 kg of heroin along with ₹1 lakh was recovered. During interrogation, co-accused Jugraj Singh disclosed the name of the petitioner being the supplier of the contraband. Accordingly, the petitioner was arrested in this case on 07.10.2022 by obtaining his production warrants. Admittedly, no recovery has been effected from him after his arrest. Moreover, after the completion of investigation, challan has been presented in Court, wherein the prosecution has cited 14 witnesses out of which only 09 have been examined till date. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which



may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

20.03.2025
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No