

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

CRM-M-27388-2015 (O&M)
Date of Decision: 30.09.2015

Deep Singh

... Petitioner

vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE P.B. BAJANTHRI

- 1. Whether Reporters of local papers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Present: Mr. GS Kaura, Advocate for the petitioner
Mr. Vaibhav Sharma, DAG Punjab

SURYA KANT, J. (Oral)

(1) The petitioner seeks his enlargement on regular bail in case FIR No.56 dated 15.05.2013 u/s 379, 411, 473, 468, 471, 120-B IPC; 21/22/25/25-A/27/29/61/85 of NDPS Act and 25/54/59 Arms Act registered at Police Station Banur-I, District Patiala.

(2) The aforesaid FIR was registered on the basis of secret information received by the police party led by Inspector/SHO of Police Station while patrolling near Banno Mai Chowk, to the effect that Satinder Dhama and Baljinder Singh who were active members of the gang involved in stealing cars and putting fake number plates to use such vehicles for the supply of intoxicants, were coming in a Verna car bearing fake registration No.HR-26AJ-1019 from Amritsar and going towards Delhi via Kharar and

if raid is conducted, a huge quantity of contrabands could be recovered.

(3) The FIR was registered and Satinder Dhama was arrested at the spot and recovery of some synthetic drugs is also said to have been effected.

(4) Petitioner's name does not find mention in the FIR. In the secret information also, no role was attributed to him. His name surfaced subsequently. He was arrested on 20.05.2013.

(5) According to the police version, 2 pistols along with 10 cartridges (45 bore), 33 cartridges (7.63 mm), 4 cartridges (9 mm) and 1 Scorpio car bearing registration No.HR-30-F-0027, were recovered from the petitioner.

(6) It is an admitted fact that the petitioner was released on bail by the Special Court on 21.06.2013. Thereafter when the charges were framed, the petitioner was charge-sheeted under Section 29 of the NDPS Act as well, namely, for abetting the offence under NDPS Act and he was again taken into custody on 05.08.2014.

(7) No contraband has been recovered from the petitioner.

(8) There is no other case under the NDPS registered against the petitioner.

(9) The question whether the petitioner has committed the offence within the meaning of Section 29 of NDPS Act is subject-matter of trial and is debatable at this stage. It can thus safely be

inferred that the petitioner is not likely to commit the offence under that Act in the event of release of bail.

(10) Taking into consideration the totality of the circumstances including (a) there is no allegation of misuse of concession of bail while the petitioner was released by the Special Court; (b) due to stay of further proceedings, the life duration of the trial is unpredictable; (c) Section 37(1)(b)(ii) of the NDPS Act cannot be said to be directly applicable, we are inclined to release the petitioner on bail.

(11) Without expressing any views on merit, this petition is allowed and the petitioner is directed to be released on bail on furnishing bail bonds to the satisfaction of CJM Mohali.

(Surya Kant)
Judge

30.09.2015
vishal shonkar

(P.B. Bajanthri)
Judge