

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

CRM-M-34902-2015 (O&M)
Date of Decision: 07.10.2015

Surjit 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: Sh. Gautam Dutt and
Mr. CS Bakshi, Advocates for the petitioner

Ms. Reeta Kohli, Addl. AG Punjab with
Mr. Vaibhav Sharma, DAG Punjab

SURYA KANT, J.

(1) The petitioner seeks his enlargement on bail in the case of FIR No.56 dated 15.05.2013 U/S 379/411/473/468/471/120-B, 21/22/25/25-A/27/29 of NDPS Act, 1985 & 25/54/59 of Arms Act registered at Police Station Banur, District Patiala

(2) According to the FIR version, the SHO Police Station Banur, District Patiala along with other police officials, was on patrol duty and when they were at Banno Bhai Chowk, Banur, a secret information was received that Satinder Dhama s/o Ram Roshan Dhama r/o #1669, Sector 15, Panchkula, Baljinder Singh @ Sonu resident of Amritsar along with other members of the gang were involved in stealing of vehicles which are used for supplying ICE, Pseudoephedrine and other intoxicating material

with forged 'number plates', on that day they were traveling in a Verna car affixing fake number as HR-26AJ-1019 from Amritsar to Delhi via Kharar and would be carrying the intoxicants. Based upon that secret information, the FIR was registered under various provisions of IPC and NDPS Act.

(3) The police party intercepted the above-stated Verna car at about 2.10 pm near the Tax Barrier at Banur and Satinder Dhama who was driving the car was nabbed and from the dash board of the car, narcotic substance ICE (Methamphetamine) lying in a plastic envelope was allegedly recovered. Satinder Dhama was arrested and during interrogation he is alleged to have named Baljinder Singh @ Sonu as his partner in supplying ICE (Methamphetamine) and Pseudoephedrine in different cities of Punjab. The said Baljinder Singh @ Sonu was also joined in the investigation and arrested.

(4) The petitioner is not named in the above-mentioned FIR but as per the charge-sheet filed under Section 173 CrPC (P2), the police claims that an organized gang was actively involved in drug trafficking. One or two members of gang were arrested and during interrogation, they spilled the beans, revealing names of other members. It was found that Jagdish Singh @ Bhola is the kingpin of drug traffickeers.

(5) The name of petitioner surfaced in the statement of independent witnesses, namely, Tejinder Kumar s/o Vijay

Kumar. Petitioner is stated to be a friend of one of the main accused Sarabjit Singh @ Sabha.

(6) The petitioner was arrested on 23.08.2013 and on interrogation he is alleged to have got recovered the Verna car of colour grey metallic whose engine and chassis numbers were tampered with and which was sold to Dilbagh Singh s/o Kripal Singh r/o Shahabad after preparing the fake registration certificate.

(7) The petitioner was taken on police remand and was arrested in the instant case on 02.12.2013.

(8) The Special Court released the petitioner on bail on 28.03.2014 but after framing charges against him under Section 29 of the NDPS Act he was taken into custody on 05.08.2014 and his bail application was declined.

(9) The instant petition was initially listed before a learned Single Judge as per roster and was dismissed on 17.12.2014. However, in view of the order passed by Hon'ble Supreme Court whereby all such cases connected to the pending PIL (CWP No.20359 of 2013) have been ordered to be listed/re-heard by this Special Bench.

(10) The petitioner seeks bail, inter alia, on the grounds that: (i) no recovery of any narcotic drug or psychotropic substance has been effected from him hence the provisions of Section 37 of NDPS Act are not attracted; (ii) the allegation of

tampering with the chassis and engine no. of the Verna car sold to Dilbagh Singh, at best constitutes an offence under the Indian Penal Code therefore, Section 29 of the NDPS Act is inapplicable; (iii) the petitioner is in custody from last more than one and a half year; (iv) he remained on bail from 28.03.2014 to 05.08.2014 and there is not even a whisper that he misused the concession of bail; (v) the trial court has virtually 'cancelled' the bail granted to him without following the parameters laid down for the cancellation of a bail; (vi) the trial is likely to take long time; and (vii) the petitioner is not involved in any other NDPS case.

(11) Learned State counsel vehemently opposed the petitioner's prayer who is stated to be involved in 13 more cases and is a Proclaimed Offender. The petitioner is claimed to have gained expertise to unlock any luxury vehicle available in India. His services are hired by the drug traffickeers for stealing such luxury vehicles as it is safer to transport drugs in those vehicles.

(12) When confronted with the allegation of involvement in more than one cases or the fact that he has been declared PO, learned counsel for the petitioner could not controvert the same.

(13) In the light of the broad principles discussed in **Ravi @ Anil Chawla's** case for the grant or refusal of bail in such like cases, it does not appear to be a fit case to release the petitioner on bail as there is every likelihood of his resuming the illegal

activities. The appropriate recourse would be to expedite the trial for which separate directions can be issued. We order accordingly.

(14) Dismissed.

(Surya Kant)
Judge

07.10.2015
vishal shonkar
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(P.B. Bajanthri)
Judge