

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1. CRM-M-43730-2014 (O&M)

Gurpreet Singh @ Gopi

..... Petitioner

Versus

State of Punjab

..... Respondent

2. CRM-M-4405-2015 (O&M)

Major Singh @ Meji

..... Petitioner

Versus

State of Punjab

..... Respondent

Date of decision: 08.05.2015

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

PRESENT: Mr. Gagan Oberoi, Advocate
for the petitioner (in CRM-M-43730-2014).

Mr. Animesh Sharma, Advocate
for the petitioner (in CRM-M-4405-2015).

Mr. Gurveer Sidhu, AAG, Punjab.

Mr. Naveen Singla, IPS,
Deputy Commissioner of Police, Ludhiana,
is present in person.

R.P. NAGRATH, J. (ORAL)

By this common order two petitions i.e. CRM-M-43730-2014 and CRM-M-4405-2015 filed under Section Section 439 Cr.P.C. for grant of regular bail to petitioners, namely; Gurpreet Singh @ Gopi (in CRM-M-43730-2014) and Major Singh @ Meji (in CRM-M-4405-2015) as both these petitions are arising out of the same FIR No. 18 dated

01.02.2014 registered under Sections 22 of the Narcotic Durgs and Psychotropic Substances Act at Police Station Shimlapuri, District Ludhaina. For brevity, the facts are being extracted from CRM-M-43730-2014.

The Investigating Officer of this case is ASI Kashmir Singh of the Anti Narcotic Cell, Ludhiana.

The contention of learned petitioner's counsel is that the story leading to the recovery of psychotropic substances in the instant case is exactly the same as the recovery made in FIR No. 29 dated 29.01.2014 registered against one Bobby Singh and Pardeep Kumar. Learned counsel for the petitioner further submits that even the recovery witnesses are same.

When the matter was listed on 29.04.2015, following order was passed in CRM-M-4405-2015:-

“Status report by way of affidavit of Mr. Parmod Ban, IPS, Commissioner of Police, Ludhiana with regard to enquiry pending against ASI Kashmir Singh, Investigating Officer, has been filed in Court today and the same be taken on record.

List on 08.05.2015.

Status report of investigation in the FIR be also intimated by the date fixed.

It is also directed that fresh affidavit of Commissioner of Police, Ludhiana be also filed as to whether despite framing of charges against ASI

Kashmir Singh, he has been transferred out or still he is posted in the same branch.

It is further directed that an officer not less than the rank of Deputy Commissioner of Police, shall remain present in Court on the date fixed.

To be listed immediately after the urgent matters.

*A copy of this order be given **dasti** to learned State counsel under the signatures of Court Secretary, for compliance.”*

Learned State counsel has filed affidavit of Mr. Promod Ban, IPS, Commissioner of Police, Ludhiana in Court today and the same be taken on record. Mr. Naveen Singla, Deputy Commissioner of Police, Ludhiana is also present in person in deference to the above-stated order. As per the affidavit, Departmental Enquiry against ASI Kashmir Singh (Investigating Officer) has been conducted and it was found that there was a clerical mistake in mentioning the name of Bobby Singh in the recovery memo and show-cause notice has been issued to ASI Kashmir Singh for further action in the enquiry. It is further averred that ASI Kashmir Singh has been shifted from Anti Narcotic Cell, Ludhiana to Police Lines Ludhiana. It is otherwise submitted that the mistake has happened due to the typing with a computer.

The recovery made from Gurpreet Singh @ Gopi-petitioner (in CRM-M-43730-2014) is stated to be 2300 tablets of Microlit and from Major Singh @ Meji-petitioner (in CRM-M-4405-2015) is 900

tablets of Microlit.

Learned counsel for the petitioners further refer to order dated 21.04.2015 (Annexure P-14) passed by this Court in CRM-M-12259-2015 in which the conduct of ASI Kashmir Singh has been deprecated but these are not the questions to be gone into for deciding bail applications and these are the questions which the defence can plead during the course of trial.

Both the petitioners namely; Gurpreet Singh @ Gopi (in CRM-M-43730-2014) and Major Singh @ Meji (in CRM-M-4405-2015) are in custody since 01.02.2014.

Without expressing any opinion on the merits of case, both the petitions are allowed and the petitioners, namely; Gurpreet Singh @ Gopi (in CRM-M-43730-2014) and Major Singh @ Meji (in CRM-M-4405-2015) be admitted to bail on furnishing bail bonds to the satisfaction of trial Court.

May 08, 2015
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(R.P. NAGRATH)
JUDGE