

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

(I) CRM-M-17904-2016 (O&M)

Date of decision : 30.09.2016

Prabhjit Singh @ Prabha

...Petitioner

Versus

State of Punjab

...Respondent

(II) CRM-M-25151-2016 (O&M)

Date of decision : 30.09.2016

Chatarpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Imran Farooqi, Advocate,
for the petitioner in CRM-M-17904-2016.

Mr. D.S. Pheruman, Advocate,
for the petitioner in CRM-M-25151-2016.

Mr. Aditya Sanghi, Addl.A.G., Punjab, assisted by
ASI Gurmej Singh.

JITENDRA CHAUHAN, J. (Oral)

The above noticed two petitions have been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in FIR No.7 dated 07.02.2016, registered under Sections 307 and 148 read with Section 149 of the Indian Penal Code; Section 25 of the Arms Act; Sections 21 and 29 of the Narcotic Drugs and Psychotropic

Substances Act, 1985; Section 14 of the Foreigners Act; Section 3 of the Passport (entry into India) Act, 1920; and Section 3 of the Indian Official Secrets Act, 1923; at Police Station Khem Karan, Distt. Tarn Taran.

Learned counsel for petitioner Prabhjit Singh, inter alia, contends that the petitioner is not named in the FIR. The petitioner was arrested on 03.03.2016, in pursuance to the statement of Gurmit Kaur, the wife of one Nishan Singh, who was killed in the operation carried out by the security forces on 07.02.2016. No recovery has been effected from the petitioner.

Learned counsel for petitioner Chatarpal Singh, inter alia contends that fearing false implication by the police in some NDPS case, the petitioner himself surrendered before the Judicial Magistrate on 22.04.2016. Otherwise, he is not connected in any manner with the present case. Nothing has been recovered from him till date. The only allegation is that from the Sim card recovered on the spot, various calls were made to the petitioner.

Learned State counsel has vehemently opposed the instant petitions. It is stated that the investigation is still going on and the challan is yet to be presented.

Heard.

The allegations against the petitioners are that they are involved in anti-national activities such as cross-border smuggling contraband, counterfeit currency and weapons etc. In the operation carried out by the security forces, two Pakistani infiltrators and two Indian smugglers were killed and the petitioners are alleged to have close nexus with those persons.

The investigation is still going on. Therefore, there is every possibility that the petitioners, if released on bail at this stage, may hamper the investigation. The matter pertains to the cross-border infiltration and smuggling, which is a threat to the nation's security and integrity.

Keeping in view the above, no case for grant of bail is made out, at this stage.

Dismissed.

However, nothing noticed hereinabove shall be construed as an expression of opinion of this Court, on the merits of the case.

30.09.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No