

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

CRM-M-26352 of 2016 (O&M)

Date of Decision: 31.08.2016

Sarabjit Singh alias Sabi

..... Petitioner

Versus

State of Punjab

..... Respondent

**CORAM: HONBLE MR. JUSTICE SURYA KANT
HONBLE MR. JUSTICE SUDIP AHLUWALIA**

1. Whether speaking/reasoned? Yes/No
2. Whether reportable? Yes/No
3. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
4. To be referred to the Reporters or not? Yes/No
5. Whether the judgment should be reported in the Digest? Yes/No

Present: Ms. G.K. Mann, Advocate,
for the petitioner.

Mr. Rajesh Bhardwaj, Addl. A.G., Punjab.

SURYA KANT J. (ORAL)

1. The petitioner seeks his enlargement on regular bail in FIR No.50 dated 03.04.2013 registered under Sections 18, 21, 22, 61 and 85 of Narcotic Psychotropic Substances Act, 1985 ('NDPS Act'-for short) and Sections 25, 54 and 59 of Arms Act read with Section 489 IPC at Police Station City Urban Estate, District Patiala.

2. The petitioner was arrested in this case on 24.11.2013.

3. It is not in dispute that the above-stated FIR along with various other cases registered under the NDPS Act have further been investigated by a Special Investigating Team ('SIT'- for short) constituted by this Court vide order dated 07.10.2015 passed in *CWP No.88 of 2014 (Jagjit Singh Chahal Vs. State of Punjab and others)* and other connected cases. The SIT

in its report dated 21.07.2016 has observed as follows:-

“From the inquiry conducted by Supervisory-cum-Special Investigating Team, examination of record and from the questioning of police party and from further investigation, no solid proof or evidence has come on record against Sarabjit Singh alias Sabha, so Supervisory-cum-Special Investigating Team does not recommend for trial of the offences against accused Sarabjit Singh alias Sabha.

4. In view of the fact that no incriminating material is reportedly found against the petitioner by the SIT, we accept this petition and allow the enlargement of the petitioner to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, so far as this FIR is concerned. However, this order shall have no bearing on the merits of other FIRs registered against the petitioner under the NDPS Act and/or under various other penal provisions of the IPC.
5. Ordered accordingly.

(SURYA KANT)
JUDGE

31.08.2016

Bhumika

(SUDIP AHLUWALIA)
JUDGE