

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-43534 of 2015 (O&M)
Date of Decision: 25.02.2016

Inderjit Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Gorakh Nath, Advocate for the petitioner.

Mr. J.S. Dhaliwal, D.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.56 dated 1.4.2014 under sections 18, 21, 22, 23, 61, 85 of N.D.P.S Act, sections 3, 34, 20 of I.P Act, section 25-A of Arms Act and section 66-F of I.T Act, registered at Police Station, Sadar Fazilka, District Fazilka.

Learned counsel for the parties have been heard.

F.I.R in question came to be registered on the statement of Vinod Kumar, Assistant Commandant, B.S.F, posted at Abohar on the allegations that on the intervening night of 31.3.2014/1.4.2014 a B.S.F patrol party was on duty near Khanpur Post. On suspicion, officials of B.S.F resorted to firing and on account of which certain assailants on both sides of the border succeeded in fleeing away. An alleged recovery of 27 packets weighing 26 kgs 890 grams of heroin, one packet weighing 540 grams opium, two pistols, two SIM cards and two mobile phones make Nokia Pakistan was effected.

As per prosecution version the name of the present petitioner has surfaced on the disclosure statement of one Deepak Kumar recorded on 18.11.2014. As per such statement of Deepak Kumar co-accused Sandeep Singh @ Sipa and Amarjit Singh had made a confessional statement before him and that too 7/8 months back with regard to indulging in smuggling of contraband and being involved in the occurrence.

Petitioner was arrested on 8.12.2014.

It has gone uncontroverted that during the course of trial Deepak Kumar has been examined as PW-1 and in which he has not supported the prosecution version. In this regard counsel for the petitioner has adverted to the deposition of PW-1 Deepak Kumar and placed on record at Annexure P-1.

It would also be apposite to take note that the petitioner is stated to be involved in yet another case under the N.D.P.S Act i.e. F.I.R No.173 dated 25.11.2014 registered at Police Station, City Mallout and in which the alleged recovery was of 21 kgs of heroin. Counsel for the petitioner has furnished for perusal of this Court, during the course of hearing, a copy of order dated 28.7.2015 passed by learned Additional Sessions Judge, Sri Muktsar Sahib, wherein the petitioner has been granted benefit of bail by observing that neither was he arrested on the spot and rather he was sought to be implicated merely on the basis of suspicion and secret information and nothing incriminating having been recovered from him.

Under such circumstances, false implication of the petitioner even in the present case, cannot be ruled out.

Without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Fazilka.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

25.02.2016

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