

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

CRM NO.M-44339 OF 2015 (O&M)
DATE OF DECISION : 16.05.2016

Santokh Singh ... Petitioner

Versus

State of Punjab ... Respondent

2. *CRM NO.M-4916 OF 2016 (O&M)*

Shehzada Alam ... Petitioner

Versus

State of Punjab ... Respondent

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

Present: Mr. Veneet Sharma, Advocate and
Mr. Rishu Mahajan, Advocate for the petitioner(s).

Ms. Reeta Kohli, Additional Advocate General, Punjab with
Mr. Hanspal Virk, AAG, Punjab and
Mr. D.S. Virk, AAG, Punjab.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of CRM No.M-44339 of 2015 titled as Santokh Singh vs. State of Punjab and CRM No.M-4916 of 2016 titled as Shehzada Alam vs. State of Punjab as both these petitions arise out of the same FIR i.e. FIR No.17 dated 27.02.2015 under Sections 472/473 IPC and Sections 21/27-A/29 of the NDPS Act, registered at Police Station Maqboolpura, Amritsar City, District Amritsar and the prayer made in these two connected petitions is for grant of regular bail to the petitioners therein.

As per prosecution versions, based on secret information a car was intercepted near Telephone Exchange, Amritsar on 27.02.2015. Five occupants of

the car namely, Surinder Singh @ Titu, Santokh Singh (petitioner in CRM No. M-44339 of 2015), Sunny Sharma, Sanjay Kumar @ Sanju and Shehzada Alam (petitioner in CRM No.M-4916 of 2016) were apprehended. A total recovery of 3 kgs. of heroin and Rs.7 lacs cash is alleged to have been effected.

Case set up on behalf of the petitioners is that they have been falsely implicated. In this regard, the documents at Annexures P-2 and P-3 as also photographs at Annexure P-4 (colly) have been reflected. The documents at Annexures P-2 and P-3 are the print-outs of a toll plaza i.e. IRB Pathankot Amritsar Toll Road Private limited. As per such print-outs at Annexures P-2 and P-3 as also photographs at Annexure P-4, the same very vehicle and carrying same registration plate which was allegedly apprehended by the Investigating Agency at about 6.00 P.M. on 27.02.2015 is seen crossing the toll plaza on 26.02.2015 at 15:18:21 hours and has returned from the same toll plaza on 27.02.2015 i.e. the next day at 07:19:08 hours and was stated to be driven by the police officials at that point of time and they being exempt from paying toll tax as reflected in the print-outs.

The documents at Annexures P-2 and P-3 i.e. the print-outs from the toll tax barrier are not disputed on behalf of the State.

The contention raised on behalf of the petitioners with regard to false implication as such cannot be ruled out.

Prayer on behalf of Santokh Singh i.e. petitioner in CRM No.M-44339 of 2015 is vehemently opposed by learned State counsel by contending that

he is a previous convict under the NDPS Act and such relevant factual aspect has been concealed.

In the considered view of this Court, this itself would not be a ground to decline the prayer of the petitioner seeking benefit of bail. In ***Mohan Singh versus State of U.T. Chandigarh, AIR 1978 SC 1095***, the Hon'ble Supreme Court had declined to cancel the grant of bail on the ground that the accused had not disclosed before the Sessions Court that he had moved an application for bail in the High Court.

The petitioners in both these connected petitions have faced incarceration since 27.02.2015.

Court has been apprised that investigation in the case is complete, challan stands presented and the trial is at the very initial stage.

Trial, as such, would take time to conclude.

In view of the contentions and submissions noticed hereinabove on behalf of the petitioners and without making any observations on merits, prayer made in both these petitions is accepted.

Petitioners in these two connected petitions be enlarged on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate, Amritsar.

Disposed of.

16.05.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**