

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

(213-1)

CRM-M-7253-2016

Decided on: March 03, 2016.

Ranjit Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Vikram Chaudhary, Sr. Advocate, with
Ms. Isha Goyal, Advocate, for the petitioner.

Ms. Harpreet Kaur Athwal, DAG, Punjab.

M.M.S. BEDI, J (ORAL)

Petitioner seeks concession of regular bail in a case FIR No.17 dated 16.12.2014, under Sections 18, 21, 29, 61, 85 of the NDPS Act, Section 307/34 IPC, Sections 25, 54, 59 of the Arms Act, Section 14 of Foreigner's Act and Section 3, 34, 20 of the Indian Passports Act registered at Police Station SSOC, District Amritsar.

The FIR in the present case was registered at the instance of Inspector Gurinder Pal Singh on the basis of a secret information on 16.12.2014 to the effect that some Indian smugglers Varun Puri, Jagdeep Singh, Kabal Singh and Gurminder Singh indulged in the act of smuggling of heroin from BSF BOP Kamal Pur in connivance with Pakistani counterparts. After consultation with Company Commander, BSF, a special Naka was laid. The BSF officials found some suspicious activities near the border and had indulged in the firing and cross-firing. During firing, one unknown

Pakistani smuggler was killed. Accused Varun Puri and Jagdeep Singh were arrested from the spot. On search of the area, 17 packets of heroin and dead body of unknown Pakistani smuggler were recovered. Apart from that 100 grams of opium was recovered from the spot. The FIR was registered against the persons named in the secret information.

During interrogation of arrested accused, the police came to learn about the involvement of Gurminder Singh, Kabal Singh, Randip Singh and Kalla in the smuggling activities. The remaining accused were subsequently arrested. So far as the petitioner is concerned, his name was allegedly disclosed by Jagdeep Singh @ Jaggu co-accused by making a statement under Section 164 Cr.P.C on 08.10.2015.

It is pertinent to observe here that the petitioner was in custody on said date in FIR No.12 of 07.09.2014, FIR No.18 of 29.12.2014, FIR No.67 of 13.07.2015 and FIR No.07 of 15.05.2014. The petitioner has been granted concession of bail in all the abovesaid cases.

Since the petitioner has been involved in the present case on the basis of statement of co-accused made after a period of about 10 months of the registration of the FIR that too while petitioner was in custody in other cases registered by the same agency, he can be granted concession of bail as it is a case of no recovery qua the petitioner. It will be debatable whether with the aid of Section 29 of the NDPS Act, the prosecution agency would be able to seek his conviction on the basis of statement of co-accused. Petitioner, being on bail in all the other cases, can be granted concession of bail in the present case.

Petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court subject to the conditions that he will not indulge in similar activity of which he is accused of during the entire period of trial and will not leave India without the permission of the Court.

(M.M.S. BEDI)
JUDGE

March 03, 2016
harsha