

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11357 of 2017
Date of Decision: 19th July, 2017

Komal Singh

...Petitioner

V/S

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr. Surinder Thakur, Advocate
for the petitioner.

Mr. K.S. Aulakh, DAG, Punjab.

H.S. MADAAN, J. (Oral):

This application for regular bail has been filed by accused-Komal Singh in FIR No. 2 dated 03.01.2017, under Sections 21/25/29 of the Narcotic Drugs and Psychotropic Substances Act, read with Section 25 of the Arms Act, registered at Police Station SSOC, Amritsar, District Amritsar (Punjab).

Briefly, the prosecution story is that accused-Twinklejit Singh @ Rinku and Sukhwinder Singh @ Bittu were apprehended by a police party headed by Inspector Inderdeep Singh on 03.01.2017 from the area near Post Office, inside Railway Station, Amritsar and they were found in possession of 1 kg. heroin. One pistol .32 bore alongwith magazine, three live cartridges of same bore and one car PB02-CY-5749 make I-20 of white colour were recovered from their possession. During the course of interrogation, they have named various persons as their accomplices in the drugs racket, which included name of the present petitioner and they had also disclosed that they are involved in

smuggling of heroin and have links with Pakistani smugglers. Komal Singh-accused was arrested in this case on 06.01.2017 and a sim card of Pakistan was recovered in pursuance of disclosure statement made by Sukhwinder Singh @ Bittu and Twinklejit Singh @ Rinku. The investigation in this case has been completed and challan filed in the Court but charge is yet to be framed as per the State counsel.

The accused had approached the learned Judge Special Court, Amritsar, for grant of regular bail but in such case, his prayer was declined vide order dated 27.02.2017 and as such, he has filed the present application for regular bail in this Court.

Notice of the application was issued to the State.

It is contended by learned counsel for the petitioner that no recovery of contraband or any arm or ammunition etc. has been effected from the petitioner and the sim card was also not recovered from his possession rather as per the prosecution story, he does not admit the same to be correct. It was recovered in the area of near Village Jojowal, District Amritsar. On the basis of disclosure statement made by two others, he has contended that two of the co-accused namely Harprit Singh Bahad and Bhupinder Singh have been granted the pre-arrest bail by this Court. He has placed on file copy of bail order of Harprit Singh Bahad.

Learned State counsel has though opposed the application for grant of regular bail.

After hearing the rival contentions and going through the record, I am of the view that the present petition deserves to be accepted. Therefore, the application for regular bail filed by Komal Singh is allowed and he is ordered to be released on bail subject to his furnishing personal bonds and surety bonds to

the satisfaction of the trial Court. Such Court may impose suitable terms and conditions which include taken into possession his passport to ensure that the petitioner does not abscond.

(H.S. Madaan)
Judge

19.07.2017
Nisha-I

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No