

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

Date of Decision: 03.04.2017

1 CRM-M-15468-2016

BALWANT SINGH @ KULWANT SINGHPetitioner

Versus

STATE OF PUNJAB

... Respondent

2 CRM-M- 11553-2016

DIYAL SINGH @ PATWARI

...Petitioner

Versus

STATE OF PUNJAB

... Respondent

3.CRM-M- 15360-2016 (O&M)

JARNAIL SINGH @ JAILA SINGH AND ANR ... Petitioners.

Versus

State of Punjab

... Respondent

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. S.K. Passi, Advocate,
Mr. Kulbhushan Raheja, Advocate and
Mr. Damanjit Singh, Advocate
for the petitioners.

Mr. Gurinder Jit Singh, DAG, Punjab.

RAJ MOHAN SINGH, J.(ORAL)

Vide this common order, CRM-M No.15468 of 2016,
CRM-M No.11553 of 2016 and CRM-M No.15360 of 2016 are
being disposed of.

Balwant Singh @ Kulwant Singh has filed CRM-M

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No.15468 of 2016, Diyal Singh @ Patwari has filed CRM-M No.11553 of 2016 and Jarnail Singh @ Jaila and Gurwinder Singh have filed CRM-M No.15360 of 2016 for grant of regular bail in case bearing FIR No.28 dated 18.02.2015 registered under Sections 21/25/29 of NDPS Act at Police Station Sadar Fazilka, District Fazilka.

The prosecution story started with the allegations that when the police installed a naka on the turning point ahead of village Hata Kalan, one Polo car was seen coming from border side. On being signalled, the car came to be stopped. Four persons were found present in the car. Gurcharan Singh @ Channi who was sitting on the conductor side was apprehended and remaining three occupants ran away from the car whose names came to be disclosed as Joginder Singh @ Jeeta @ Shammi, Baldev Singh @ depu and Rinku son of Lakhe Singh. 25 kgs of heroin was allegedly recovered from the car.

On 10.05.2015, statement of one Salvinder Singh was recorded by the police in the complicity of Baldev Singh, Balwant Singh, Sonu Singh, Jarnail Singh and Gurwinder Singh. Name of Diyal Singh was disclosed to the police by one Devi Singh on 30.05.2015.

According to the prosecution case, accused namely

Baldev Singh, Balwant Singh, Sonu Singh, Jarnail Singh and Gurwinder Singh have approached Salvinder Singh and made an extra judicial confession in respect of their complicity in the crime on 10.05.2015, but they did not accompany Salvinder Singh to the police station. Thereafter on 01.06.2015, these persons were arrested from the bus stand. 2 kgs of heroin was allegedly recovered from Balwant Singh, 1 kg of heroin was recovered from Sonu Singh. Diyal Singh was arrested on 08.06.2015.

On the basis of disclosure statements of the accused persons, the contraband was recovered from an open place not belonging to the petitioners. Involvement of the petitioners viz-a-viz their alleged extra judicial confession and recovery from an open space not belonging to the petitioners and the same having not been witnessed by any independent witness would remain arguable point at the trial.

Learned State counsel on instructions from ASI Om Parkash states that charges have already been framed and the case is fixed for prosecution evidence on 07.04.2017. No prosecution witness has been examined so far.

Looking into the entire facts and circumstances of the case and without adverting to the merits of the case, I deem it

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appropriate to enlarge the petitioners on regular bail who are in custody since June 2015..

Let the petitioners be enlarged on regular bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

03.04.2017
prince

(RAJ MOHAN SINGH)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No