

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

**CRM-M No.1535 of 2017
Date of Decision: 17.05.2017**

Sahib Singh @ Sabha

.....Petitioner

Vs

State of Punjab

....Respondent

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

Present: Mr. Arun Khatri, Advocate
for the petitioner.

Mr. Shilesh Gupta, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.

[1]. Petitioner has prayed for grant of regular bail in a case bearing FIR No.15 dated 26.10.2014 registered under Sections 21/25/29/61/85 of the NDPS Act (hereinafter to be referred as 'the Act') at Police Station SSOC, Amritsar.

[2]. Brief facts are that the case was registered on the basis of secret information and 5 kgs. of heroin along with Rs.1,00,000/- was recovered from the accused Roshan Singh @ Roshi. In disclosure statement of the aforesaid accused, name of the petitioner came to fore. The accused Roshan Singh @ Roshi disclosed during investigation of the case that at the

instance of Gursharan Singh @ Billa and the petitioner Sahib Singh @ Sabha, he had to deliver five packets of heroin to some party and the petitioner in connivance with the aforesaid persons was involved in smuggling. Gursharan Singh @ Billa was arrested after obtaining production warrants as he was arrested in FIR No.16 dated 27.10.2014 under Sections 21, 25, 29/61/85 of the Act. The investigation was handed over to ASI Inderdip Singh on 01.12.2014 and the petitioner was arrested by him in the present case on 15.12.2014 after obtaining production warrants. Petitioner was also involved in FIR No.16 dated 27.10.2014 where he was in custody in the offence under Sections 21, 25, 29/61/85 of the Act after conviction.

[3]. During course of investigation, it was surfaced that FIR Nos.14, 15 and 16 for the aforesaid offences are interconnected with each other as major portion of the distributed heroin was subject matter of each case.

[4]. Learned counsel for the petitioner by referring to the testimonies of six witnesses examined in the case, contended that the witnesses have virtually resiled from their stand and have not supported the case of the prosecution. By referring to the statement of Investigating Officer Inderdip Singh PW-1, learned counsel submitted that the witness has refuted existence of any incriminating evidence against the petitioner

inasmuch as that the alleged disclosure statement made by the accused Roshan Singh @ Roshi *qua* the petitioner was not reduced into writing, nor the petitioner was arrested in that case, when he was in custody in FIR No.16 dated 27.10.2014, pertaining to the same Police Station.

[5]. Learned counsel further contended that earlier Investigating Officer namely Harjinder Singh PW-4 also testified to the effect that there was no secret information against the petitioner with the police party and the petitioner was not named in the FIR. No disclosure statement was made by the co-accused *qua* the conspiracy at the hands of the petitioner in the alleged smuggling of heroin.

[6]. As against this, learned State counsel on instructions from ASI Vishal Rajput submitted that zimni No.1 prepared by the Investigating Officer Harjinder Singh at the relevant time would be the subject matter of appreciation by the trial Court. Petitioner is involved in number of cases and is in custody therein. As per custody certificate, petitioner is involved in FIR No.14 dated 22.10.2014 under Sections 21, 25, 29, 61, 85 of the Act, P.S. SSOC, Amritsar, wherein he is in custody. Petitioner is also accused in FIR No.16 dated 27.10.2014 under Sections 21, 25, 29, 61, 85 of the Act in the same police station wherein he is in custody. In FIR No.221 dated 26.08.2014 under

Sections 18, 61, 85 of the Act, P.S. Patti, petitioner is in custody. Similarly, in FIR No.160 dated 12.08.2015 under Sections 21, 29, 61, 85 of the Act, P.S. City Ferozepur, petitioner is in custody. In FIR No.163 dated 13.08.2015, under Sections 21, 29, 61, 85 of the Act, P.S. City Ferozepur, petitioner is in custody.

[7]. Learned counsel for the petitioner vehemently submitted that the complicity of the petitioner in the aforesaid cases would be a debatable issue as to the nature of recovery allegedly made in two of the cases.

[8]. In compliance of order dated 06.03.2017 and 08.05.2017, necessary information has been furnished by the learned State counsel by filing the status reports. Involvement of the petitioner in the aforesaid cases has been *prima facie* proved.

[9]. Petitioner is involved in number of cases involving huge quantity of contraband. The nature of recovery made in the aforesaid cases as well as the complicity of the petitioner in the present case would be debated during the trial. Since the trial is in progress and the petitioner is in custody in number of cases, therefore, I do not consider the present case to be a fit enough to grant concession of regular bail to the petitioner in view of bar

created under Section 37 of the Act.

[10]. Petition stands dismissed accordingly.

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

May 17, 2017

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No