

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
204**

**CRM-M NO.10397 OF 2018
DATE OF DECISION: APRIL 16, 2018**

Sunil Saroj

.....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Veneet Sharma, Advocate,
for the petitioner.

Mr. Dhruv Dayal, Sr.DAG, Punjab,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No.12, dated 01.06.2017, registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “the NDPS Act”) at Police Station State Special Operation Cell, Amritsar.

It is the contention of learned counsel for the petitioner that the petitioner has been falsely implicated for the reason that his wife and brother are alleged to have committed an offence under the NDPS Act, which is the subject the matter of FIR in question. He asserts that at the time when the said offence was committed, the petitioner was already in custody in FIR No.24, dated 19.04.2017, under Section 21 of the NDPS Act, Police

Station Sarai Amanat Khan, Taran Tarn. He further contends that no recovery has been effected from the petitioner and even the details with regard to his being involved in the commission of offence through a mobile phone are not mentioned. He also contends that though charges have been framed but no witness has been examined till date. He, therefore, prays that the petitioner be granted the concession of regular bail as he was arrested in the present case on 03.06.2017.

Counsel for the State, on instructions from SI Harpreet Singh, Police Station State Special Operation Cell, Amritsar, states that the petitioner is a kingpin and has been operating from the jail premises. He further states that it is on the secret information that the petitioner has been found to be the person who had been continuously talking to his brother, namely, Anil Saroj, who is a co-accused and from whom recovery of one kilogram of heroine has been effected. He, however, could not give out the details with regard to the mobile phone which was being used by the petitioner in the commission of offence. His submission is that in the remand granted to the investigating agency, the petitioner has admitted the fact that he has destroyed the mobile phone and the sim card but no recovery has been effected from the petitioner. The details with regard to the phone number and the sim card, which were being used by the petitioner are also not available to connect him with the alleged crime.

Keeping in view the above facts and circumstances and in the light of the aspect that the petitioner was arrested in this case on 03.06.2017 with no witness having been examined till date, the present petition is allowed. The petitioner is directed to be released on bail to the satisfaction

of the trial Court, Amritsar. However, it would be open to the trial Court to impose strict conditions while granting bail.

April 16, 2018
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No