

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

CRM-M-36191-2018 (O&M)

Date of Decision:-27.8.2018

Raj Singh @ Raju

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vivek K. Thakur, Advocate for the petitioner.

Mr. A.S. Sandhu, Additional Advocate General, Punjab.

GURVINDER SINGH GILL, J. (Oral)

By way of filing this petition, the petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.07 dated 20.3.2018 under Sections 21, 25 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station State Special Operations Cell, Fazilka (Intelligence Wing) (CID).

As per the FIR, the police party received information from a special informant to the effect that one Jaswant Singh @ Jassa, who is a 'heroin' smuggler having contacts with smugglers in Pakistan, smuggles 'heroin' from Pakistan into India and that said Jaswant Singh @ Jassa has associated Sona Singh, who is having his land near the barbed wire in village Gandhu Kilcha, Ferozepur, Shingara Singh son of Sucha Singh, Manjit Singh @ Baggi son of Dara Singh and Raj Singh @ Raju son of

Bachan Singh. The information was further to the effect that Sona Singh crosses the barbed wire so as to cultivate his land and takes along Shingara Singh for doing labour jobs and that they bring '*heroin*' from across the border and deliver the same to Raj Singh @ Raju and Manjit Singh @ Baggi. Pursuant to receipt of aforesaid information the police swung into action and was able to nab Shingara Singh, Raj Singh @ Raju and Manjit Singh @ Baggi while Sona Singh managed to escape. It is further the case of the prosecution that the aforesaid accused suffered disclosure statements naming each other as well as Sona Singh to be involved in smuggling. While no recovery was effected from the aforesaid three persons namely Shingara Singh, Raj Singh @ Raju and Manjit Singh @ Baggi, '*heroin*' weighing 630 grams was recovered from the fields of Sona Singh from across the barbed wire, upon disclosure statement made by the aforesaid accused.

Notice of motion was issued to the respondent-State.

Mr. A.S. Sandhu, Additional Advocate General, Punjab has opposed the present petition and has submitted that all the accused were working together in tandem for smuggling '*heroin*' from across the border and that since three of the accused were arrested from near the place of occurrence, therefore, the complicity of all the accused is evident. It is also contended by learned State counsel that the petitioner himself had also suffered a disclosure statement regarding his involvement in the smuggling of '*heroin*'.

On the other hand, the learned counsel for the petitioner has submitted that the only evidence against the petitioner is the disclosure statement of the co-accused and that no recovery was effected from him and

that the alleged recovered 630 grams of 'heroin' from the fields of Sona Singh cannot be attributed to the petitioner in any manner and that in any case the petitioner cannot be said to be in conscious possession of contraband since Sona Singh could not have possibly gone across the barbed wire and it is only Sona Singh or other persons having a formal license or permit, who can enter in the said property.

Having heard the learned counsel for the petitioner and also the learned State counsel and bearing in mind the fact that the recovery was not effected from the petitioner and was recovered from the fields of Sona Singh, where everybody does not have a ready access, the petition is hereby accepted and the petitioner Raj Singh @ Raju is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Illaqa Magistrate/Duty Magistrate, Ferozepur.

This petition stands disposed of accordingly.

27.8.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No