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

**CRM-M No.36242 of 2017
Date of Decision: 25.01.2018**

Sucha Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

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

Present: Mr. Charanpreet Singh, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl., AG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.155 dated 01.10.2013 registered under Sections 21/29/61/85 of the NDPS at Police Station Sarhali, District Tarn Taran.

FIR was registered with the allegations that complainant inspector was present along with his companions in connection with investigation in case bearing FIR No.41 dated 18.06.2013 registered under Section 21/29/61/85 of the NDPS and Sections 25/54/59 of the Arms Act at Police Station Sarai Amanant Khan. Accused Rachhpal Singh suffered a disclosure

statement that he along with his companions namely Sukhraj Singh @ Kaka, Ranvir Singh @ Rana @ Raket, Manak and some BSF personnel namely Gurpreet Singh, Bikram Singh @ Bittu and Gurvinder Singh had brought 159 packets of heroin from border by using Pakistani mobile and SIM. Rachhpal Singh gave this heroin to Amolak Singh Jatt, Sucha Singh (petitioner), Ranjodh Singh and Prem Singh. He further disclosed that on 05.09.2013 before his arrest, he put 19 packets of heroin in 5 different polythene envelopes stitched with thread in a pit, which was kept concealed in the brushes at Sarhali Road in the area of Sarhali Patti. On his demarcation after recording disclosure statement, he got the recovery effected in the presence of the witnesses. With this background, the named accused along with other persons were nominated in the case.

Petitioner was declared as proclaimed offender on 07.03.2014. Some of the accused namely Yudhveer Singh @ Yodha, Kuldeep Singh @ Manak, Tehal Singh, Mehal Singh, Chattarpal Singh and Gurwinder Singh were also declared proclaimed offender at the relevant stage, but on their appearances, they were arrested and tried in the case. Original challan was presented on 17.05.2014 against the co-accused and all were acquitted vide judgment dated 23.03.2017. Petitioner was arrested on 08.07.2017 and challan qua the

petitioner was presented on 25.08.2017. After framing of the charges, one of the prosecution witness has been examined and 01.02.2018 is the date fixed before the trial Court for further evidence.

Learned State Counsel on instructions from Inspector Kamalpreet Singh stated that in compliance of order dated 16.01.2018, cost of Rs.10,000/- has been deposited with the High Court Lawyers' Welfare Fund, Chandigarh. Absence of the Investigating Officer is sought to be explained on the ground that the earlier Investigating Officer has already been transferred. The explanation has been considered.

In view of facts and circumstances of the case, particularly in view of the fact that petitioner is in custody since 08.07.2017, all the accused have since been acquitted on 23.03.2017 and nature and material qua the petitioner would be tested by the trial Court on merits, at this stage, it would be just and expedient to grant benefit of regular bail to the petitioner.

In view of above, without forming any opinion on the ultimate merits of the case, let the petitioner be enlarged on regular bail, subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of the trial Court.

Accordingly, this petition is allowed.

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

January 25, 2018.
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No