

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

CRM-M No. 37409 of 2016

DATE OF DECISION :- January 16, 2018

Sahib Singh @ Sabha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

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

Mr. Saurav Khurana, DAG, Punjab.

This petition for regular bail has been filed by petitioner Sahib Singh @ Sabha, an accused in F.I.R. No. 14 dated 22.10.2014 under Sections 21/25//29/61/85 of NDPS Act registered with Police Station SSOC, Amritsar.

Briefly stated the facts of the case as per prosecution story are that on 22.10.2014 a secret information was received that Roshan Singh @ Roshi along with Gursharanjit Singh @ Billa were active in drug trafficking having relations with smugglers of this country and Pakistan, getting from Pakistan and supplying it to smugglers in this country and that Roshan Singh @ Roshi in a Verna Car of white colour bearing No. PB-02-BU-2220 along with Gursharanjit Singh @ Billa, on his Motorcycle Make Bajaj Platinum colour black bearing No. PB-02-BR-5011 were waiting at Amritsar-Jalandhar road on turning of Rajender Nagar. A raid was conducted. Gursharanjit Singh @ Billa was caught red handed. It may be mentioned here that Roshan Singh @ Roshi had managed to escape from the spot. After arrest of Gursharanjit Singh @ Billa, the case was investigated. Two other connected F.I.Rs were registered at

Police Station SSOC Amritsar, inasmuch as recoveries effected in all the three cases formed part of heroin belonging to Roshan Singh @ Roshi, Gursharanjit Singh @ Billa and Sahib Singh @ Sabha as it transpired through investigation of the case. Sahib Singh @ Sabha was arrested in this case on 2.2.2015 as his name had cropped up during interrogation of co-accused Gursharanjit Singh @ Billa.

The petitioner had prayed for grant of regular bail but his said petition was dismissed by Additional Sessions Judge, Amritsar vide order dated 29.5.2015. As such he has approached this Court for grant of similar relief. The petition is being resisted by the State counsel.

I have heard learned counsel for the petitioner, learned State counsel besides going through the record.

Learned counsel for the petitioner while referring to cross-examination of the investigating officer has submitted that no recovery has been effected from the petitioner and rather it has been planted upon him. Further more there is no legally admissible evidence against him, therefore, regular bail be granted to the petitioner.

On the other hand, learned State counsel while opposing the petition for grant of regular bail has submitted that the guilt of the accused shall be determined during the trial. In addition to that bar of Section 37 of NDPS Act, 1985 is there and keeping in view the fact that the recovery involved in this case is quite huge and petitioner is connected there with, the petition should be dismissed.

After hearing the rival contentions, I find that bar of Section 37 of the NDPS Act is definitely there and since the public prosecutor is opposing the petition for bail, unless the Court is satisfied that there are reasonable

grounds for believing that petitioner is not guilty of such offence and that he is not likely to commit any offence while on bail, concession of bail cannot be granted to the petitioner. I do not find any reason to record such satisfaction. Thus, in view of such bar and considering the huge amount of recovery of contraband involved and the fact that there is reasonable apprehension of his absconding and trying to tamper with the prosecution evidence if granted bail, as submitted by learned State counsel, the petition stands dismissed accordingly.

(H.S. MADAAN)
JUDGE

January 16, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No