IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-43948-2018 (O&M)
Date of Decision:- 15.12.2018

Sahib Singh … Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashish Aggarwal, Advocate, for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

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GURVINDER SINGH GILL, J. (Oral)

CRM-41273-2018

In view of the reasons mentioned in the application, the same is allowed and the offences under Sections 148, 149 and 201 IPC are added in the prayer clause of the petitioner.

CRM-M-43948-2018 (O&M)

The petitioner seeks grant of regular bail in case registered vide FIR No.164, dated 13.12.2017, registered at Police Station Goindwal Sahib, District Tarn Taran, under Sections 406, 473, 148, 148 and 201 of the Indian Penal Code, 1860; Section 25 of the Arms Act and Sections 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

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As per the FIR the police received secret information to the effect that Gurpreet Singh alias Gopi, Gurjant Singh alias Bachi, Manav Majbhi and Rachpal Singh alias Saba have connived with each other had formed a gang and that they after arming themselves with deadly weapons looted and snatched vehicles from drivers of loaded trucks on highways and also sell contraband. The information was further to the effect that a few days back the said members of the gang had affixed a false number-plate on a truck loaded with Dalda Ghee and said truck was to be commuted from Rajpura to Jammu & Kashmir, but in order to misappropriate the articles lying in the truck they had hidden the same. Upon receipt of the aforesaid information the police raised barricades near Goindwal Chowk near Bus Stand and a truck bearing registration No.PB-10-BC-4344 was signalled to stop. It is the case of the prosecution that while the police was able to nab the driver, another 5/6 persons alighted from the truck and ran away. The driver disclosed his name as Rachpal Singh and who further disclosed that the persons who had escaped were Gurpreet Singh alias Gopi, Gurjant Singh alias Bachi, Manav and petitioner-Sahib Singh. Upon search of aforesaid Rachpal Singh, a country made pistol and three .12 bore live cartridges were recovered from his right pocket apart from a yellow coloured polythene bag which upon checking was found to contain 300 grams of 'Heroin'. The truck in question was found to be loaded with 815 boxes of 'Ghee' weighing 15 Kgs. each.

It is the case of the prosecution that only Rachpal Singh was arrested on the spot and that 'Heroin' was recovered from his personal search. The other articles recovered from the truck are stated to be boxes of

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'Dalda Ghee'. The other evidence is in the shape of statement of co-accused Rachpal Singh who had named the present petitioner.

Having regard to the facts and circumstances of the case and also that the petitioner was not arrested from the spot and is sought to be connected mainly on the basis of statement of co-accused Rachpal Singh and that the petitioner has been in custody since the last about 10 months, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars as the conclusion of trial, in its normal course, is likely to take some time. Accordingly, petitioner-Sahib Singh is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

This petition stands accepted accordingly.

December 15, 2018 **(GURVINDER SINGH GILL)**
mohan **JUDGE**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No

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