

**CRM-M-46704-2017 and
CRM-M-46770 of 2017**

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

**CRM-M-46704-2017
Date of Decision: 19.02.2018**

Twinklejeet Singh alias Tinku

.....Petitioner

Vs.

State of Punjab

.....Respondent

CRM-M-46770 of 2017

Sukhwinder Singh alias Bitu

.....Petitioner

vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Ashish Aggarwal, Advocate,
for the petitioners.

Mr. Bhupender Beniwal, A.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

A reply (in CRM-M-46704-2017), has been filed in Court today by learned State counsel, by way of an affidavit of Sh. Sukhminder Singh Mann, IPS, Assistant Inspector General of Police, State Special Operations Cell, Punjab, which is taken on record.

Custody certificates of both the petitioners have also been filed in Court today by learned State counsel, which are also taken on record.

Learned counsel for the petitioners has vehemently argued that the petitioners have been falsely implicated at the time of elections, they being in the

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I attest to the accuracy and
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'opposite camp' to the then ruling party, with neither of them present on the spot when the alleged recovery is stated to have been made on the Indo-Pak border across the border fencing, with approximately 05 kgs of heroin stated to have been recovered, which was stated to be in a packet buried in the ground.

He submits that the entire case against the petitioners is based upon a secret information stated to have been received by a Sub-Inspector of Police, on the basis of which the aforesaid recovery is stated to have been made.

He submits that both the petitioners were shown to have been arrested the next day, allegedly carrying 1 k.g. of heroin (500 grams each), in respect of which offence, a separate FIR has been registered.

He further submits that the co-accused of the petitioners, whose names the petitioners are alleged to have disclosed, i.e. Komal Singh, Harprit Singh Bahad and Pupinder Singh @ Bhupinder Singh, have already been admitted to bail by this Court, in orders passed in different petitions between May and July 2017, copies of which have been annexed as Annexure P-2 (colly.), with each petition.

Learned counsel for the State has vehemently opposed the bail petitions on the ground that such a large recovery made with the names of even those involved from the side of Pakistan having been given in the secret information, the petitioners do not deserve the concession of bail.

Having considered the aforesaid arguments and the fact that the entire case against the petitioners is on the basis of secret information with them not having been apprehended anywhere near the place of actual alleged recovery, and in fact apprehended the next day itself with some more contraband, I see no justification for the petitioners to remain in custody where they have remained for the past one year now.

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However, it is made clear that the aforesaid observations of this Court are wholly in the context of this petition filed, seeking bail to the petitioners, with the said observations to be wholly ignored by the trial Court as regards the merits of the case, for or against the petitioners, which would be considered wholly in the light of the evidence led by the parties.

In view of the above, the petitions are allowed and the petitioners are directed to be admitted to bail on their furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

However, the trial Court shall ensure that the bail and surety bonds to be furnished by the petitioners are of an adequate amount to try and ensure that they do not abscond.

February 19, 2018
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No.