

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

Decided on: 17.12.2019

1. CRM-M No.9552 of 2019

Salinder Singh @ Chhinda

....Petitioner

Versus

State of Punjab

....Respondent

2. CRM-M No.38167 of 2019

Sarabjit Singh @ Gaggu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. G.S. Sandhu, Advocate
for the petitioner (in CRM-M-9552-2019)

Mr. S.S. Sangwan, Advocate
for the petitioner (in CRM-M-38167-2019)

Mr. Jagmohan Ghumman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in these petitions is for grant of regular bail to the petitioners namely Salinder Singh @ Chhinda and Sarabjit Singh @ Gaggu under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.45 dated 22.09.2018, for offence punishable under Sections 22/25/29 of the of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Lakhewali, District Sri Muktsar Sahib.

The first petition of the petitioner – Sarabjit Singh @ Gaggu was dismissed as withdrawn on 08.04.2019 and since the

petitioner – Sarabjit Singh @ Gaggu has undergone the substantive sentence of more than 01 year, the present 2nd petition has been filed.

Counsel for the petitioners have argued that as per the allegations in the FIR, the IO/Inspector received an information that Pardeep Kumar @ Puppy is indulged in the business of selling intoxicant tablets and he has joined the co-accused Mandeep Singh in the investigation. It is further stated in the FIR that by taking the intoxicant tablets from Pardeep Kumar @ Puppy and keeping the same in his Innova car, they are supplying the same to the customers of the surrounding village. Later on, the police stopped a car and the driver of the same told his name as Mandeep Singh whereas the second person told his name as Salinder Singh @ Chhinda and the third person told his name as Sarabjit Singh @ Gaggu. Thereafter, after giving a notice under Section 50 of the NDPS Act to the accused, the search of the car was conducted and 30,000 intoxicant tablets were recovered in the presence of a Gazetted Officer.

Counsel for the petitioners have further argued that Pardeep Kumar @ Puppy has already been granted the concession of anticipatory bail by this Court on 19.12.2018 passed in CRM-M No.44934 of 2018. It is further argued that the petitioner – Salinder Singh @ Chhinda is in custody since 22.09.2018 whereas both the accused i.e. Salinder Singh @ Chhinda and Sarabjit Singh @ Gaggu were arrested on 24.09.2018 and the case is still at the stage of recording of the prosecution evidence.

Counsel for the petitioners have further submitted that the petitioner – Salinder Singh @ Chhinda is not involved in any other case

as per the affidavit of the SHO/Inspector, Police Station Sadar Sri Muktasar Sahib whereas the petitioner – Sarabjit Singh is involved in one more case, however, he is on bail in the said case.

Counsel for the State, on instructions from SI Surjit Singh, has not disputed the fact that the case is still at the stage of recording the evidence of the prosecution witnesses and only 04 PWs out of 20 PWs have been examined so far.

Without commenting anything on merits of the case, considering the fact that the petitioner – Salinder Singh @ Chhinda is not involved in any other case whereas the petitioner – Sarabjit Singh, who is involved in one more case, is on bail in the said case; the petitioners are in judicial custody since 22.09.2018 and 24.09.2018; out of 20 prosecution witnesses, only 04 PWs have been examined so far and it will take some time in conclusion of the trial, the present petitions are allowed and the petitioners are directed to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioners, in case they are found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

17.12.2019
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No