

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

Decided on: 24.09.2019

1. CRM-M No.40036 of 2019

Bachittar Singh

....Petitioner

Versus

State of Punjab

....Respondent

2. CRM-M No.40049 of 2019

Gurmej Singh @ Geja

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Veneet Sharma, Advocate
for the petitioner (in both the petitions)

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in these petitions is for grant of regular bail to the petitioners namely Bachittar Singh and Gurmej Singh @ Geja under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.86 dated 30.08.2019 registered under Section 27-A of the Narcotic Drug and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') at Police Station Bhikhiwind, District Tarn Taran.

Counsel for the petitioners has submitted that the petitioner – Gurmej Singh @ Geja remained Sarpanch of the village for 01 term and his wife remained Sarpanch of the village for 02 terms. In the year 2018, the Panchayat of the village was bifurcated and the wife of the

petitioner – Gurmej Singh @ Geja, had opposed this move of the government and had even filed a writ petition in this regard, challenging the action of the government and on that account, a false information was given to the police that the petitioners are involved in the business of drugs.

Counsel for the petitioners has referred to the FIR wherein it is stated that the Investigating Officer/SI Narinder Singh got a secret information that the petitioner – Gurmej Singh and his son namely Bachittar Singh are doing the business of drugs and have constructed a huge house and are having connection with one Rajwinder Singh @ Happy. The police on receiving the secret information registered the aforesaid FIR and conducted a raid on the house of the petitioners where both the petitioners were arrested.

Counsel for the petitioners has further argued that during the raid conducted by the police and in the process of arresting of the petitioners, no drug was recovered from the place of the petitioners and therefore, no offence under the NDPS Act is made out. It is further submitted that the petitioners are in custody from the last more than 21 days and they are not involved in any other case under the NDPS Act.

Counsel for the State has filed the Custody Certificate today in the Court and has not disputed the fact that the petitioners are not involved in any other case under the NDPS Act.

Counsel for the State, on instructions from ASI Panna Lal, further argued that the police is conducting the investigation about the property of the petitioners.

Without commenting anything on merits of the case,

considering the fact that the petitioners are not involved in any other case under the NDPS Act; no recovery was effected from the petitioners and it will take some time in conclusion of the trial, both these 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

24.09.2019
yakub

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