

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-4723-2020 (O&M)

Date of Decision:- 3.3.2020

Simarjit Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. D.S.Malwai, Advocate, for the petitioner.

Ms. Rashmi Attri, AAG, Punjab,
assisted by ASI Balbir Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has filed this petition seeking grant of regular bail in a case registered against him vide FIR No.49, dated 2.7.2018, under Section 22 of NDPS Act (Section 29 of NDPS Act added later on), Police Station GRP Patiala, Police District Govt. Railway Police Patiala.
2. It is the case of prosecution that on 2.7.2018 SI/SHO Narotam Singh, Police Station Railway Police Patiala got a message on his mobile phone from Inspector Gursewak Singh Ahluwalia to the effect that

RPF had come across two unclaimed cartons and they are to be checked. It is alleged that train No.14888 coming from Dhuri side stopped at railway station at about 2.55 a.m. and the police party and also the AC Coach attendant Bajrang Acharya produced two cartons. Bajrang Acharya attendant disclosed that when the train was at Railway Station Lalgah and he was standing outside AC Coach on the platform then two persons who disclosed their names as Jaggar Singh and Karamdin Mehar came there for loading the cartons in the train and they disclosed that they have taken tickets of general coach from Lalgah to Barnala but since the 'General Coach' was overloaded they were unable to place the cartons in 'General Coach' and requested him to keep the parcels with him and that they would collect the same at Barnala. Said Bajrang Acharya stated that he being considerate kept the said cartons in AC Coach and also took their phone numbers and the said persons remained in touch with him. When the train arrived at railway station Barnala, the said persons came there to collect the parcels but upon seeing RPF officials they went back. Later when the train started from Barnala, the said persons told him telephonically to unload the parcels at Patiala and that they would come in their car to collect the same. It is further the case of prosecution that at Patiala three persons came in a white Datsun car bearing registration No.PB-19-P-9318 to collect the parcels and upon inquiries they disclosed their names as Satish Kumar, Karamdin and Jagtar Singh. Upon search of the said parcels, the same were found to contain 56,450 (23,200 + 33,250) tablets

containing 'Tramadol' and another 7200 tablets containing 'Alprazolam'.

3. It is further the case of prosecution that the aforesaid three accused apprehended at Railway Station, Patiala, disclosed that they had procured these tablets from Simranjit Singh @ Shambu (petitioner) resident of Tallwal, who had got the same from a medical store in Falaudi, Rajasthan, and that he was their partner. Subsequently, the petitioner was arrested on 3.7.2019.
4. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that there is no evidence worth credence to connect the petitioner with the alleged recovery and that he was never arrested at the spot and is sought to be nominated on the basis of alleged disclosure statements of co-accused.
5. Opposing the petition learned State counsel has submitted that it is a case where the co-accused named the present petitioner immediately when they were apprehended and had categorically stated that it is the petitioner who had supplied the contraband.
6. Learned State counsel has further submitted that the complicity of the petitioner would be evident from the fact that during the course of the investigation it has been found out that he had issued a cheque for an amount of ₹20,000/- in favour of medical store in Rajasthan from whom the drugs in question had been procured. Learned State counsel has however, informed that the petitioner had been in custody since the last more than 6 months.

7. Having considered rival submissions addressed before this Court and without commenting upon the veracity of the allegations levelled against the petitioner and while bearing in mind that the petitioner was not arrested at the spot and is sought to be nominated on the basis of disclosure statements of the co-accused and also that he has been behind bars since the last more than 6 months, further detention of the petitioner will not serve any useful purpose as the conclusion of trial is likely to take some time.
8. The petition, as such, is accepted and the petitioner 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.

March 3, 2020
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No