

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

101

CRM-M-11351-2020

Date of decision: 27.05.2020

Sarabjit Singh @ Sabi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ranjit Singh Ghuman, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

The petitioner has filed the present (second) petition for grant of regular bail in case FIR No.02 dated 17.01.2019 registered under Sections 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "the NDPS Act") at Police Station Mukandpur, District S.B.S. Nagar.

As per the prosecution version, on 17.01.2019, ASI Jasvir Singh CIA Staff Nawanshahar along with C.Jaswinder, C.Resham Lal and Home Guard Hardev Singh apprehended one Innova Car PB08-PE-1200 along with driver Gurpreet Singh @ Kali and one lady Navpreet Saini @ Preet at Canal Bridge Jagatpur Maur in the area of Village Hakimpur. On being informed ASI Jarnail Singh along with C.Jagtar Singh, L.H.C. Manpreet Kaur reached the spot in Govt. vehicle driven by H.C. Manjeet Gurpreet Singh @ Kali and Navpreet Saini @ Preet Singh and on search in the presence of Sandeep Kumar, Deputy S.P.

Investigation, Nawanshahar as per prescribed procedure, recovered heroin weighing 700 gms. wrapped in polythene from the right pocket of trouser worn by Gurpreet Singh @ Kali and heroin weighing 300 gms. wrapped in polythene from the left pocket of jacket worn by Navpreet Saini @ Preet. FIR was accordingly registered. During investigation, Gurpreet Singh @ Kali and Navpreet Saini @ Preet made disclosure statements implicating the petitioner for financing of the narcotic drugs.

The petitioner, who is in custody since 06.01.2020, has filed the present second petition for grant of regular bail. His first petition was dismissed as withdrawn vide order dated 17.02.2020.

Copy of the petition has already been supplied to learned State Counsel who has opposed the same.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the record.

Learned Counsel for the petitioner has argued that the petitioner was not named in the FIR, was not apprehended on the spot and no recovery was made from him. The petitioner has been falsely implicated in the present case on the basis of disclosure statement of main accused-Gurpreet Singh. The petitioner had no connection with the persons apprehended. Surinder Kaur, mother of the petitioner, arrayed as an accused in the present FIR due to being registered owner of the Innova car, has been granted anticipatory bail by the trial Court. The police has mala fide falsely implicated the petitioner in three other cases under Section 29 of the NDPS Act. The petitioner is on bail in all the above-said three cases. Trial is likely to take long time.

No useful purpose will be served by keeping the petitioner in custody.
Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has argued that co-accused Surinder Kaur, mother of the petitioner, was granted anticipatory bail as she was merely the registered owner and it is the petitioner who had financed the narcotic drugs. The petitioner is a habitual offender and is involved in three other cases under the NDPS Act. The petitioner was declared proclaimed offender in the present case and is likely to abscond and commit similar offence if granted bail. Therefore, the bail application may be dismissed.

Keeping in view the facts and circumstances of the case recovery of commercial quantity of heroin from co-accused Gurpreet Singh @ Kali and Navpreet Saini @ Preet traveling in the vehicle owned by the mother of the petitioner, allegations of the petitioner having financed the same, involvement of the petitioner in three other cases and the fact that the petitioner was declared proclaimed offender in the present case and is likely to abscond or commit similar offences if granted bail I am of the considered view that the petitioner does not deserve the concession of regular bail. Therefore, the petition is dismissed.

27.05.2020

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(ARUN KUMAR TYAGI)
JUDGE

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