

In virtual Court

CRM-M-16951-2020

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

Date of decision: 17.12.2020

1. CRM-M-16951-2020 (O&M)

Sandeep Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

2. CRM-M-18628-2020 (O&M)

Malwinder Singh @ Malli

... Petitioner

Vs.

State of Punjab

... Respondent

3. CRM-M-18796-2020 (O&M)

Gursewak Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.S. Gill, Advocate
for the petitioner (in CRM-M-16951-2020).

Mr. Deepak Aggarwal, Advocate
for the petitioner (in CRM-M-18628 & 18796-2020).

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in these three petitions is for grant of regular bail to the petitioners in FIR No.80 dated 25.08.2019 under Section 22 of NDPS Act and Section 29 of NDPS Act (added later on), registered at Police Station GRP Bathinda, District Government Railway Police.

Learned counsels for the petitioners submits that as per allegations in the FIR, some parcels were brought down from a train and one boy was seen standing near a parcel. When he lifted the parcel, he was stopped by one Constable Anil Kumar of Railway Protection Force on the basis of suspicion. He told his name as Gursem and owner's name as Rahul. When the officials of RPF started checking the parcels, the said person fled away from the spot. Constable Anil Kumar clicked his photographs on his mobile phone. Thereafter, on checking, 120 vials of Onerex, 120 vials of Wincerex and 2250 tablets of Carisoprodol were recovered.

Learned counsel for petitioner Gursewak Singh submits that the petitioner was arrested by the police in FIR No.297 dated 21.09.2019 under Sections 22, 25/61/85 of NDPS Act, Police Station Talwandi Sabo and in police custody, the police recorded his disclosure statement and he was nominated as an accused in the present FIR. Thereafter, on the basis of his disclosure statement, other accused namely Malwinder Singh @ Malli, Sandeep Kumar and Lovejit Garg were nominated as accused. Later on, Malwinder Singh @ Malli, who was serving as Head Constable in Punjab Police, was nominated as

accused in FIR No.297 as well as in the present FIR.

It is further submitted that no recovery was effected from them and petitioner Malwinder Singh @ Malli are in custody since 17.02.2020 and petitioner Gursewak Singh is in custody since 18.12.2019, however, it is not disputed that they are also nominated in FIR No.297 under NDPS Act.

Learned counsel for petitioner Sandeep Kumar submits that the petitioner is first offender and his name has surfaced in the disclosure statement of co-accused and nothing was recovered from him. It is also submitted that one of the co-accused Lovejit Garg has been granted the concession of anticipatory bail vide order dated 17.09.2020 passed in CRM-M-14811-2020.

Learned State counsel, on the basis of affidavit of the Investigating Officer, filed in case of Gursewak Singh, has, however, opposed the prayer for bail on the ground that during the investigation, it is found that Gursewak Singh is the same person, who told his name as Gursem and he was the person, who had gone to collect the parcel and later on, fled away from the spot. It is further submitted that when he was arrested in FIR No.297, he has disclosed that he along with other accused has committed the offence. It is next submitted that Sandeep Kumar was a relative of Lovejit Garg, who has been granted the concession of anticipatory bail and in fact, Lovejit Garg has booked the parcel in the name of Rahul, which petitioner Gursewak Singh had gone to collect.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that petitioners Gursewak Singh and Malwinder Singh @ Malli are also involved in FIR No.297 and there is sufficient evidence against them collected by the police, as

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per affidavit of DSP, GRP, Sub Division Ferozepur, I find no ground to grant regular bail to them, however, considering the antecedents of petitioner Sandeep Kumar, he is entitled to regular bail.

Accordingly, the present petition qua petitioners Gursewak Singh and Malwinder Singh @ Malli stands dismissed and qua petitioner Sandeep Kumar is allowed and petitioner Sandeep Kumar is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

[ARVIND SINGH SANGWAN]
JUDGE

17.12.2020
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No