

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

**CRM-M No.20753 of 2020
Date of Decision : 28.09.2020**

Bikramjeet Singh @ Bikkar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Vijay K. Jindal, Advocate
for the Petitioner.

Mr. Randhir S. Thind, Dy. Advocate General, Punjab
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner in case FIR No.17, dated 1st July, 2018, registered under Sections 21, 25, 29 of the NDPS Act, 1985 and Section 25 of the Arms Act, 1959, at Police Station State Special Operation Cell, Amritsar.

2. It is contended on behalf of the Petitioner that no actual recovery from him has been effected and he has been falsely implicated in the present case.

3. It is further submitted that the Petitioner was arrested in the present case after he surrendered before the Ld. Trial Court on 17th March, 2020 and has thereafter remained in custody till date. In the meantime, after completion of investigation, Challan against him has already been

submitted.

4. The Bail Application is nevertheless opposed on behalf of the State by contending that the Petitioner is also involved in another case under the NDPS Act being FIR No.85 dated 22nd May, 2017 registered at Police Station Lopoke, Amritsar. But Ld. Counsel for the Petitioner has sent up a copy of the Order passed by the Ld. Judge, Special Court, Amritsar, on 28th February, 2020, which goes to indicate that the Petitioner, along with four other accused persons, was acquitted of the charges under Sections 21 and 29 of the NDPS Act.

5. Also seen the Reply by way of Affidavit of the Deputy Superintendent of Police, State Special Operation Cell, Amritsar, in which it has been contended that although no recovery was actually effected from the Petitioner, yet he was the main Coordinator of the accused persons from whom the contraband in the form of 14 Kilograms 801 Grams of Heroin and one 30 bore Pistol, were recovered. Those persons from whom such recovery was effected were Sukhraj Singh, Sarabjit Singh, Tarwinder Singh and Gurlal Singh.

5. It has also been contended that the Petitioner was found to be in constant touch with co-accused, namely K. Chentil Raj (a BSF Officer), who allegedly facilitated smuggling of contraband from across the Border, as well as Gurjant Singh and also two more accused persons i.e. Gurlal Singh and Tarwinder Singh from whom the contraband was recovered, and the WhatsApp Connectivity Chart of the Petitioner has also been annexed

with the Reply as Annexure R-1.

6. It transpires that co-accused persons, namely Tarwinder Singh (in CRM-M No.26521 of 2019), Gurjant Singh (in CRM-M No.1223 of 2020) and K. Chenthil Raj (a BSF Officer) (in CRM-M No.30683 of 2019) have already been enlarged on bail by Co-ordinate Benches of this Court on 14th June, 2019, 21st June, 2020 and 4th February, 2020, respectively.

7. In this backdrop and considering that no actual recovery was effected from the Petitioner, in the present case, and he has by now remained in custody for more than 06 months although Challan has already been submitted against him, he is ordered to be released on bail to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

8. Disposed off.

September 28, 2020

Dpr

(SUDIP AHLUWALIA)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No