

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

CRM-M-33589-2020(O&M)

Date of decision : 09.12.2020

Sandeep Singh @ Gori

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Karandeep Singh, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.0098 dated 02.07.2020 under Sections 15, 29, 61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Bahav Wala, District Fazilka (Punjab).

Learned counsel for the petitioner has contended that the FIR has been registered on the basis of secret information and the petitioner has falsely been implicated in the present case and that he has not even been named in the FIR.

As per the status report filed by way of affidavit of Avtar Singh, PPS, Deputy Superintendent of Police (Rural), Abohar, District Fazilka, it has been stated that initially the FIR in question was registered under Section 15 of the NDPS Act against three accused, namely,

Balwinder Singh @ Ghundri son of Jagdish Singh, Raj Singh @ Raju son

of Baggu Singh and Sandeep Singh @ Gori son of Joginder Singh (present petitioner), who was wrongly mentioned as Joginder Singh @ Gori in the FIR. Later on, the name of Rajesh Kumar @ Rajeshi son of Surjeet Singh was nominated in the FIR in question and the offences under Section 29 of the NDPS Act were added. It has further been stated that on 02.07.2020, the police party headed by ASI Sajjan Singh was present at the canal bridge at village Ramsara for patrolling purposes and was checking the suspicious persons and an information was received by the police that Balwinder Singh @ Ghundri son of Jagdish Singh, Raj Singh @ Raju son of Baggu Singh and Joginder Singh @ Gori son of unknown are habitual in bringing poppy husk in heavy quantity from Rajasthan in cars bearing registration No.PB-22-F-3073 and registration No.PB-22U-2676 and supplying the same in Fazilka and surrounding areas and today the said persons are bringing poppy husk in huge quantity from Rajasthan and if the Nakabandi is established at canal bridge in the area of Village Rajpura, then the said persons could be apprehended. The information was found to be reliable and an FIR was registered. SI Rang Dev Singh and others police officials in a Government vehicle bearing registration No.PB-22-K-9058 reached the spot and set up a Naka. After 15-20 minutes, a car Swift Dzire white in colour bearing registration No.PB-22-F-3073 was seen coming from the Matili side which was driven by a clean shaven person and two other persons were sitting in the car at the back seat. SI Rang Dev Singh gave a signal for stopping the car and the driver of the car stopped the car and all the said three persons came outside the car and tried to run away from the spot. HC Joginder, who chased the said persons who managed to flee

from the spot, identified them as Sandeep Singh @ Gori son of Joginder Singh, present petitioner herein, and Raj Singh @ Raju son of Baggu Singh. HC Joginder Singh is said to have known the persons.

Learned counsel for the State, on instructions from ASI Rang Dev Singh, has stated that Swift Dzire car bearing No.PB-22-F-3073 also belongs to the petitioner herein.

I have heard learned counsel for the parties.

The argument raised by learned counsel for the petitioner that he has not been named in the FIR has, *prima facie*, sufficiently been explained as having been wrongly typed on the computer. It has further been stated in the status report that the petitioner was identified by HC Joginder Singh who knew the petitioner since before and also the fact that the car from where the said poppy husk was found also stands in the name of the petitioner herein.

In view of the above, I do not deem this to be a fit case for grant of regular bail to the petitioner and accordingly the present petition is dismissed.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

(ALKA SARIN)
JUDGE

09.12.2020
Yogesh Sharma

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO