

212

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

**CRM-M No.54256 of 2019
Date of Decision: 14.02.2020**

Sarabjit Singh @ Kala

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Deepak Goyal, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.6 dated 14.01.2018 registered under Sections 20, 25, 29 of the NDPS Act at Police Station Mehal Kalan, District Barnala.

In compliance of order dated 31.01.2020, ASI Hakam Singh has come present along with original receipt of payment of cost(s) which is taken on record.

In the FIR, accused namely Jarnail Singh, Resham Singh, Kulwinder Singh @ Laddi and Balkar Singh @ Sunny

were arrested on 14.01.2018, when they were traveling in a truck. 35 bags of Ganja each containing 26 kgs i.e. total 910 kgs Ganja was recovered from the truck without any valid permit or licence.

Learned counsel for the petitioner states that the petitioner has not been named in the FIR, nor any disclosure statement of the co-accused was recorded in order to nominate the petitioner in this case. It is only on the basis of some zimni of the Investigating Officer and alleged statement of one Nirmal Singh under Section 161 Cr.P.C, the petitioner has been implicated. There is no material on record to connect the complicity of the petitioner with that of offence in question. Petitioner was wrongly declared as proclaimed offender without any material on record. He is in custody since 13.09.2019.

On a pointed query put to the police official through learned State counsel, he submits that in the challan, complicity the petitioner is mentioned on the basis of investigation done by the Investigating Officer. There is no reference of any disclosure statement of any co-accused. Statement of one Nirmal Singh under Section 161 Cr.P.C has been recorded.

The involvement of the petitioner on the basis of statement of Nirmal Singh under Section 161 Cr.P.C would remain debatable.

Keeping in view the custody of the petitioner and without meaning anything on merits of the case, the petitioner is directed to be released on regular bail subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

14.02.2020
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(RAJ MOHAN SINGH)
JUDGE

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