

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

CRM-M-1947-2021 (O&M)

(1) Manpreet Singh @ Raja	Versus	...Petitioner
State of Punjab		...Respondent

(2)	Versus	CRM-M-37353-2021 (O&M)
Sonu Chaurasia		...Petitioner
State of Punjab		...Respondent

Date of Decision:- 23.11.2021

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sagar Aggarwal, Advocate for the petitioner
in CRM-M-1947-2021.

Mr. Kanwaljeet Singh, Advocate for the petitioner
in CRM-M-37353-2021.

Mr. Ajay Pal Singh Gill, DAG, Punjab
assisted by ASI Lakhwinder Singh.

GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned two petitions filed on behalf of Manpreet Singh and Sonu Chaurasia seeking grant of regular bail in a case registered vide FIR No.89 dated 16.5.2020 under Sections 188, 269 IPC, Sections 22/29 of the NDPS Act and Section 3 of the Epidemic Diseases Act at Police Station Kotwali, District Kapurthala.

2. It is the case of prosecution that on 16.5.2020 one Nekdeep Kumar @ Sunny was apprehended by the police during the course of '*Nakabandi*' while he was coming on a Hyundai Venue Car bearing registration No.PB-08-EL-1937 and from whose possession 17 injections of diazepam and 1 kg. of 'Alprazolam' powder was recovered. It is further the case of prosecution that during the course of interrogation the aforesaid Nekdeep Kumar @ Sunny disclosed names of 8 more persons to be associated with him, which included one Sarabjit Singh @ Loga. It is further the case of prosecution that subsequently another disclosure statement was made by Nekdeep Kumar @ Sunny wherein he disclosed names of 9 more persons to be his associates in the business of drugs.
3. The sequence of events, as per the case of prosecution, may be stated chronologically in the following manner :-

Sr. No.	DATE	FACTS
1	16.5.2020	FIR No. 89 dated 16.5.2020, under Sections 22/29 of the NDPS Act and Sections 188, 269 IPC and Section 3 of the Epidemic Disease Act lodged and accused Nekdeep @ Sunny who was named in the FIR was arrested at the spot and heroin weighing 1 kilogram and 17 intoxicant injections recovered from him.
2	17.5.2020	Accused named during 1 st Disclosure statement suffered by Nekdeep @ Sunny : 1. Navpreet Singh @ Nav s/o Gurdev Singh 2. Harpreet Singh @ Happy S/o Gurdev Singh 3. Amritpal Singh S/o Jasvir Singh 4. Ankush Sharma S/o Sudarshan Kumar 5. Sarabjit Singh @ Loga S/o Harkirat Singh

		6. Rajinder Singh @ Ganja S/o Hansa Singh 7. Ashish @ Ashu S/o Subhash Chander 8. Onkar Singh @ Kari @ Raj S/o Anokh Singh 9. Manpreet Singh @ Raja 10. Sonu Chaurasia
3	17.5.2020	Accused proceeded against on the basis of first disclosure statement of Nekdeep @ Sunny: 1. Navpreet Singh @ Nav S/o Gurdev Singh 2. Harpreet Singh @ Happy S/o Gurdev Singh 3. Amritpal Singh S/o Jasvir Singh 4. Ankush Sharma S/o Sudarshan Kumar 5. Sarabjit Singh @ Loga S/o Harkirat Singh 6. Rajinder Singh @ Ganja S/o Hansa Singh 7. Ashish @ Ashu S/o Subhash Chander 8. Onkar Singh @ Kari @ Raj S/o Anokh Singh
4.	10.6.2020	Additional accused nominated on the basis of second disclosure statement of Nekdeep @ Sunny :- 1. Mirza R/o Amritsar 2. Rakesh Kumar @ Kesha 3. Raja R/o Batala 4. Yodha R/o Amritsar 5. Sabi R/o Amritsar 6. Chetan R/o Amritsar 7. Vinod Kumar @ Lucky 8. Lala R/o Vazir Bhulla 9. Sonu Chaurasia 10. Manpreet Singh @ Raja
5	13.6.2020	Accused Sonu Chaurasia accompanied by Manpreet Singh @ Raja was arrested from Dashmesh Nagar, Ludhiana and from their possession, 500 grams of heroin was recovered from back seat of the car after the same had been taken to premises of police station.

6	3.7.2020	Accused Sarabjit Singh @ Loga accompanied by Varun Kumar were arrested from Bus Stand Jaipur and upon their disclosure statements, they led to recovery of 1 kilogram of heroin on 4.7.2020 from a car parked in an abandoned area.
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4. The learned counsel for the petitioners have submitted that the petitioners have falsely been implicated in the present case and that the falsity of the case would be evident from the fact that the main accused Nekdeep @ Sunny, who was arrested in the first instance on 16.5.2020, has been going on making disclosure statements nominating large number of accused and that while about 10 persons were named by him on 17.5.2020, he named another 10 persons on 10.6.2020. It has been submitted that although initially despite Nekdeep @ Sunny having named the petitioners in his disclosure statement on 17.5.2020, they were not proceeded against as accused by the police but on the basis of the second disclosure statement, they have been arrayed as accused.
5. The learned counsel has further submitted that the manner in which the recovery of 500 grams of 'heroin' has been foisted upon the accused is highly suspicious and doubtful inasmuch no recovery whatsoever was effected when the accused were apprehended at the spot while travelling in a car but subsequently when they were taken to the police station, the police claims to have recovered 500 grams of 'opium' from under the rear seat of the car on the basis of alleged disclosure statement made by the accused. It has been submitted that no sanctity can be attached to such like recovery

effected within the premises of the police station and that the same has been planted upon the petitioners.

6. Opposing the petition, the learned State counsel has submitted that it is no doubt correct that the petitioners came to be nominated as accused on the basis of disclosure statements made by Nekdeep @ Sunny but the fact that upon arrest of the petitioners, the recovery of 500 grams of 'heroin' was effected would show their complicity. The learned State counsel has, however, informed that the petitioners as on date have been behind bars since the last about 1 year and 5 months and that although 72 prosecution witnesses have been cited but none has been examined so far. It has also been informed that none of the petitioners is wanted in any other case.
7. I have considered rival submissions addressed before this Court.
8. Without commenting anything as regards the merits of the case but while noticing that the petitioners came to be nominated on the basis of a disclosure statement and that the alleged recovery has been effected while the petitioners and their car was taken to the police station and was not effected at the spot, the sanctity of the said recovery would be debatable. In any case, the petitioners have been behind bars for substantial period of 1 year and 5 months and are not stated to be previously involved in any other case. The conclusion of trial is likely to consume substantial time as not even a single prosecution witness out of the cited 72 prosecution witnesses has been examined so far. In these circumstances, further detention of the petitioners will not serve any useful purpose.

9. The petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
10. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.
11. A photocopy of this order be placed on the file of connected case.

23.11.2021

kamal

(Gurvinder Singh Gill)
JudgeWhether speaking /reasoned
Whether ReportableYes / No
Yes / No