

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

Criminal Misc.-M No.2575 of 2021
Date of Decision: March 24, 2021

Nachattar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Ameena Singh, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.264 dated 15.08.2020, under Sections 21(c), 29 N.D.P.S.Act,1985 and Section 25 Arms Act, 1959, registered at Police Station, Sultanpur Lodhi, District Kapurthala.

The contents of the FIR as noticed by the Judge, Special Court, Kapurthala in his order dated 10.11.2020 are as under:-

“As per prosecution version, on 15.08.2020, one motorcycle was noticed in the area of village Boharwala by the police party headed by ASI Gurmail Singh. The Investigating Officer signaled to stop said motorcycle. The motorcyclist tried to turn the motorcycle but he was apprehended, whereas two pillion riders fled away from the spot. The driver of the vehicle

disclosed his name as Sukhwinder Singh @ Jugnu son of Lakhwinder Singh, resident of village Nathupur, PS Talwandi Chaudhrian, District Kapurthala. The Investigating Officer took into possession one polythene bag thrown from the motorcycle and one pistol lying on the road. The motorcyclist disclosed the names of persons who fled away from the spot as Nachhattar Singh son of ALA Singh @ Shined and Avatar Singh son of Rappel Singh, both residents of village Boohoo, P.S.Fattu Ding. From the search of the polythene bag, 270 grams of Heroin was recovered.”

Learned counsel for the petitioner has argued that the petitioner was not arrested on the spot and the contraband was recovered from co-accused, namely, Sukhwinder Singh. She has argued that the investigation of the case is complete and, therefore, further custody of the petitioner may not be justified as he is not involved in any other case of similar nature. She prays for bail.

The prayer is opposed by the learned State counsel, assisted by ASI Dalvinder Singh, on the ground that the the petitioner was traveling on the motorcycle along with the other co-accused persons and managed to escape along with his co-accused, namely, Avtar Singh. She has pointed out that the contraband (270 grams heroin) falls within the ambit of commercial quantity and though the petitioner is not involved in any other case of similar nature, but is involved in various other cases under Indian Penal Code. In this regard, he has filed the custody certificate of the petitioner by way of affidavit of Ballet Singh, PPS, Superintendent Central Jail, Kapurthala.

After hearing the learned counsel for the parties and considering the above background, this court does not find any force in the argument that the recovery was effected from co-accused Sukhwinder Singh and petitioner was not arrested on the spot, particularly when the prosecution has set up a case that the petitioner was travelling with Sukhwinder Singh and ran away from the spot.

Resultantly, no ground is made out for grant of bail at this stage.

Dismissed.

March 24, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No