

In virtual Court

CRM-M-5071-2021 and other connected cases

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

Date of decision: 16.08.2021

1. CRM-M-5071-2021 (O&M)

Neelu

... Petitioner

Vs.

State of Punjab

... Respondent

2. CRM-M-17167-2021 (O&M)

Ravi Verma

... Petitioner

Vs.

State of Punjab

... Respondent

3. CRM-M-25637-2021 (O&M)

Parvar Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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Present: Mr. G.S. Sandhu, Advocate
for the petitioner (in CRM-M-5071-2021).

Mr. Jag Nahar Singh, Advocate
for the petitioner (in CRM-M-17167-2021).

Mr. Sandeep Verma, Advocate
for the petitioner (in CRM-M-25637-2021).

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

This order shall dispose of abovementioned three petitions praying for grant of regular bail to petitioners Neelu, Ravi Verma and Parvar Singh, in FIR No.135 dated 27.05.2020 under Sections 21/25/29 of NDPS Act and Section 12C of Passport Act, registered at Police Station City Kharar, District SAS Nagar (Mohali).

Learned counsel for the petitioners submit that the FIR was registered on the complaint given by ASI Gurpreet Singh with the allegations that while on patrol duty for checking suspected persons, a secret information was received that Anjul Sodhi @ Sodhi, Parvar Singh, Ravi Verma and Uttam are doing the business of selling intoxicant substances and they are coming together in a car bearing registration No.HR-24U-0843, white coloured Swift and if barrier is laid, they can be apprehended with heroin. On receiving the information, a ruqa was sent to the police station and case was registered. Thereafter, a barrier was laid and the police stopped a car bearing registration No.HR-24U-0843 and from its dashboard, 300 grams of heroin was recovered. It is further stated that driver and owner of the car is Anjul Sodhi @ Sodhi, whereas both petitioners Ravi Verma and Parvar Singh were co-passengers in

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the same. Thereafter, on the same day, at same place, another car bearing registration No.PB-31U-7002 was also stopped, which was driven by co-accused Dalwinder Singh and petitioner Neelu was sitting on the co-driver seat and from dashboard of the car, 01 kg of heroin and Rs.1.00 lac drug money was recovered.

It is common argument on behalf of all the petitioners that they are first offenders and are not involved in any other case. It is further submitted that petitioner Neelu is in custody for the last 10 months and 17 days, petitioner Ravi Verma is in custody for the last 01 year and 02 days and petitioner Parvar Singh is in custody for the last 01 year, 02 months and 08 days, as per the custody certificates filed in the Court today. It is also submitted that challan has already been presented and till date, charges have not been framed, therefore, it will take long time in conclusion of the trial.

In reply, learned State counsel has submitted that recovery was effected in presence of DSP, however, it is not disputed that owner-cum-driver of car bearing registration No.HR-24U-0843 was Anjul Sodhi @ Sodhi and second car bearing registration No.PB-31U-7002 was driven by Dalwinder Singh. Learned State counsel could not dispute that all three petitioners are not involved in any other case, however, it is submitted that co-accused Dalwinder Singh is involved in as many as 07 FIRs and on his disclosure statement as well as petitioner Neelu, one more person namely David was also nominated and after his arrest, 02 kg and 200 grams of heroin was recovered.

Learned State counsel has further submitted that as per the investigation, petitioner Neelu was girl-friend of aforesaid Dalwinder Singh.

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After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioners are first offenders; they are in long custody; challan stands presented; charges are yet to be framed, therefore, it will take some time in conclusion of the trial and also in view of the fact that all three petitioners were co-passengers in their respective cars, which are owned and driven by two co-accused, therefore, it will be a matter of trial whether the petitioners were in conscious possession of the contraband and were having knowledge that drivers-cum-owners of the cars were carrying intoxicant substance in the dashboard of both the cars and also considering the fact that one of the petitioner is a lady and has her own family to support and out of total 17 prosecution witnesses, none has been examined so far, I deem it appropriate to grant regular bail to all the petitioners.

Accordingly, all these three petitions are allowed and petitioners Neelu, Ravi Verma and Parvar Singh are directed to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

It will be open for the prosecution to apply for cancellation of bail, in case the petitioners are found misusing the concession of bail, in any manner.

[ARVIND SINGH SANGWAN]
JUDGE

16.08.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No