

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

**CRM-M-5327-2020  
Date of decision: 28.10.2021**

**HARWINDER SINGH @ BABLA**

**...Petitioner**

**VERSUS**

**STATE OF PUNJAB AND ANOTHER**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. L. S. Sekhon, Advocate  
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

**ARVIND SINGH SANGWAN, J. (Oral)**

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 0029 dated 04.06.2019, registered under Sections 15 and 22 of the NDPS Act, 1985 at Police Station Ghagga, District Patiala, Punjab.

Learned counsel for the petitioner submits that as per allegations in the FIR, a ruqa sent by ASI Beant Singh posted at CIA, Samana, it is stated that when the police party tried to stop a car driven at a high speed, one person was seeing sitting on the driver seat and other person on the co-driver seat and the driver of the said car on a high speed broke the picket and headed towards Samana by taking a cut and tried to fled away from the spot. The police party chased the said car and they were apprehended. On inquiry, the driver told his name as Harwinder Singh @ Babla i.e. the petitioner, whereas, the other person told his name as Banka Singh. Later on, on the search 2 bags containing 20 kg poppy husk each along with 08 boxes of Clovidol-100 SR tablets were recovered and each

box was found to be containing 10 strips of 50/50 tablets each and on counting, the total came out to be 4000 tablets.

Learned counsel for the petitioner further submits that in fact the petitioner is a victim of political vendetta as in the previous elections, mother of the petitioner became the Sarpanch of the village and the party which lost the election being influential, in fact conspired with Inspector Vijay Kumar, Incharge CIA, Samana, in whose jurisdiction the present FIR was registered.

Learned counsel for the petitioner further submits that Inspector Vijay Kumar is involved in number of other cases and moreover, he demanded money from the petitioner and having failed to do so, the petitioner has been involved in the present FIR.

Learned counsel for the petitioner next argued that ASI Beant Singh is the complainant and he has sent a ruqa after effecting the alleged recovery from the petitioner and, therefore, it will be a matter of trial whether Section 42 of the NDPS Act was properly complied with or not.

Learned counsel for the petitioner further submits that as on today, the petitioner is in judicial custody for 02 years 04 months and 21 days and out of 15 prosecution witnesses, 03 prosecution witnesses have been examined so far and conclusion of trial will take some time.

Learned State counsel has filed the custody certificate in Court and has not disputed the actual sentence undergone by the petitioner, however, it is submitted that petitioner is involved in one more FIR under the NDPS Act and another FIR under the Excise Act.

Reply by way of an affidavit of the Superintendent of Police, Traffic Patiala (Punjab) is on record and as per the affidavit, the aforesaid

Inspector Vijay Kumar is involved in three FIRs, out of which, two FIRs are under the Prevention of Corruption Act and one FIR under the IPC. It is not disputed that at the relevant time when the FIR was registered, he was posted at CIA, Samana.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that petitioner is in judicial custody for 02 years 04 months and 21 days; out of 15 prosecution witnesses, 03 prosecution witnesses have been examined so far and also in view of the defence set up by him, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

The observations made herein are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

**28.10.2021**  
Chetan Thakur

**(ARVIND SINGH SANGWAN)**  
**JUDGE**

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*