

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

1. CRM-M-14223-2021 (O&M)

Shubegh Singh @ Babba

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-20581-2021

Jatinder Singh @ Gobind

...Petitioner

Versus

State of Punjab

...Respondent

Date of decision: 27.08.2021

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

Present:- Mr. Ruhani Chadha, Advocate
for the petitioners in both the cases.

Mr. Joginder Pal Ratra, DAG, Punjab.

(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted two petitions
as they arise out of the same FIR.

These petitions have been filed under Section 439 of the Code
of Criminal Procedure for grant of regular bail to petitioners Shubegh Singh
@ Babba and Jatinder Singh @ Gobind in case FIR No. 27 dated
14.02.2019, registered under Section 21 of the Narcotic Drugs &

Psychotropic Substances Act, 1985 (*for short 'the Act'*) at Police Station Sadar Jalandhar, District Jalandhar.

Learned counsel for the petitioners submits that as per allegations in the FIR, registered at the instance of Inspector Resham Singh, it is stated that while he, along with other police officials, was on patrol duty, two persons were seen coming out of a bus and on seeing the police party, they became perplexed and started walking backward. On suspicion, they were apprehended; on inquiry, the first person disclosed his name as 'Shubegh Singh @ Babba' and the second person disclosed his name as 'Jatinder Singh @ Gobind', who are the present petitioners. Thereafter, the Investigating Officer gave them a notice to be searched either before a Gazetted Officer or a Magistrate, to which, they stated that they should be searched before a Gazetted Officer. On preparation of non-consent memo, ASP, Cantt. Jalandhar was called and in his presence, search of both the persons was conducted. Upon search, 1 kg. of heroin was recovered from petitioner Shubegh Singh @ Babba and 500 grams of heroin was recovered from petitioner Jatinder Singh @ Gobind.

Learned counsel for the petitioners, though, has raised certain points with regard to anomalies in the recording of consent/non-consent memo, wherein signatures of the accused persons were not taken, however, has submitted that the custody of the petitioners is more than 02 years and 06 months and out of total 11 prosecution witnesses, only 03 witnesses have been examined so far, therefore, it will take a long time in conclusion of trial as the same is delayed due to COVID1-19 situation in the country.

Learned counsel for the petitioners has also argued that aforesaid shortcomings in the investigation, including non-compliance of

Section 42 of the Act, are to be seen during the course of trial.

Learned State counsel has filed the custody certificate of both the petitioners, as per which, the petitioners are in judicial custody for the last about 02 years and 06 months. As per custody certificates, petitioner Jatinder Singh @ Gobind is not involved in any other case, however, petitioner Shubegh Singh @ Babba is involved in one more FIR of 2014 under the NDPS Act, however, he is on bail in that case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid facts and circumstances and also in view of the fact that petitioners are in judicial custody for the last about 02 years and 06 months; some points have been raised with regard to flaws in investigation which are to be decided during the course of trial and also considering the fact that conclusion of trial is likely to take some time as only 03 prosecution witnesses have been examined so far out total 11 prosecution witnesses, the instant petitions are allowed. Petitioners Shubegh Singh @ Babba and Jatinder Singh @ Gobind are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate concerned.

A photocopy of this order be placed on the file of other connected case.

27.08.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No