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

1. CRM-M No.18490 of 2021
Date of Decision: 28.06.2021

LOVEDEEP SINGH ALIAS LALAPetitioner
Vs
STATE OF PUNJABRespondent

2. CRM-M No.18757 of 2021

JOBANPREET SINGHPetitioner
Vs
STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. GBS Dhillon, Advocate
for the petitioner in CRM-M No.18490 of 2021.

Mr. ADS Jattana, Advocate
for the petitioner in CRM-M No.18757 of 2021.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Both the cases have been taken up for hearing through
video conferencing.

Vide this common order, CRM-M No.18490 of 2021 and
CRM-M No.18757 of 2020 are being decided. Since both the
cases arise out of same FIR, therefore, common facts are being
noticed.

Petitioner(s) seeks grant of regular bail under Section

439 Cr.P.C in case bearing FIR No.314 dated 17.12.2020, registered under Sections 21, 22, 25, 27-A, 61, 85 of the NDPS Act and Sections 25, 27, 54 & 59-A of the Arms Act at Police Station Majitha Amritsar, District Amritsar.

The FIR was registered on the basis of secret information in respect of involvement of Jobanpreet Singh and his companion namely Simranjit Singh @ Monty. The prosecution story is to the effect that Jobanpreet Singh is owner of swift car and he has allegedly formed a gang which deals in illegal arms and narcotics. Raid was conducted at the house of Jobanpreet Singh, where he was found sitting on the driver seat of the car and Simranjit Singh @ Monty was sitting on conductor side. Simranjit Singh @ Monty succeeded in running away from the car, whereas Jobanpreet Singh was arrested from the car. Name of Lovedeep Singh @ Lala (petitioner in CRM-M No.18490 of 2021) came to be disclosed by Jobanpreet Singh in his disclosure statement and that is how name of Lovedeep Singh @ Lala came to fore. In the subsequent disclosure statements of Lovedeep Singh @ Lala and Jobanpreet Singh, name of Sukhpreet Singh @ Sukh was disclosed as one of the gang members.

Learned counsel for the petitioner(s) submitted that an amount of Rs.2,74,000/- was recovered from the dash board of

the car. No drug was recovered from the car of Jobanpreet Singh or from his house. Petitioners have no such antecedent behavior of criminal activity in respect of NDPS Act. The amount allegedly recovered from the car as well as from the house of Lovedeep Singh cannot be termed as drug money in the absence of past history of the accused under the NDPS act.

As per prosecution story, petitioner Lovedeep Singh @ Lala was arrested on 29.01.2021. Three pistols .30 bore along with 10 live cartridges and one dongle with mobile sim and one mobile phone besides an amount of Rs.13,99,000/- were allegedly recovered from Lovedeep Singh @ Lala. Two pistols and an amount of Rs.2,74,000/- were recovered from the petitioner-Jobanpreet Singh.

Learned counsel(s) further submitted that in the absence of involvement of the petitioners under the NDPS Act, the offence in terms of NDPS Act would remain debatable and the money allegedly recovered cannot be termed as drug money. The complicity of the petitioners under the Arms Act would be tested by the trial Court on the basis of evidence to be led by the parties during trial. The punishment under Sections 25 and 27 of the Arms Act would be distinct and cannot be co-related with the NDPS Act. Petitioner-Lovedeep Singh @ Lala is in custody since 29.01.2021 and petitioner-Jobanpreet

Singh is in custody since the date of registration of the FIR i.e. 17.12.2020. Lovedeep Singh @ Lala was implicated on the basis of disclosure statement of Jobanpreet Singh.

Learned State counsel however opposed the bail on the ground that the accused are members of a gang and are involved in illegal acts. Factum of the petitioners having no antecedent behaviour of criminal activity under NDPS Act is admitted by the State counsel on instructions from the Investigating Officer ASI Kulwant Singh.

At this stage, without embarking upon merits of the case, it would be just and appropriate to notice that since challan has already been presented and the petitioners are in custody, therefore, the complicity of the petitioners arising out of the allegations in the FIR would be tested by the Court at an appropriate stage.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic I deem it appropriate to enlarge the petitioners on regular bail.

In view of above, both the petitions are allowed. Petitioners are ordered to be released on bail, subject to their furnishing heavy bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

June 28, 2021	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No