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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.19121 of 2021 (O&M)

Date of decision: 03.08.2021

Ranjit Singh @ Money

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

CRM-22636-2021

Prayer in this application is for preponing the date fixed in
the main petition.

Heard.

For the reasons stated in the application, the same is
allowed and the main case is taken up today for hearing.

CRM-M-19121-2021

Prayer in this 3rd petition is for grant of regular bail to the
petitioner under Section 439 of the Code of Criminal Procedure (in
short 'Cr.P.C.') in FIR No.206 dated 05.12.2019, for offence punishable
under Section 22 of the Narcotic Drugs and Psychotropic Substances
Act, 1985 (in short 'the NDPS Act') registered at Police Station
Mehatpur, Jalandhar, District Jalandhar.

Counsel for the petitioner has submitted that as per the

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allegations in the FIR, registered at the instance of ASI Labh Singh, it is stated that he, while on a patrol duty, along with his co-police officials, a clean shaven young man was seen coming on foot carrying a polythene bag. On seeing the police party, he became perplexed and took a U-turn and tried to run away. On suspicion, he was apprehended and on enquiry, disclosed his name as Surjit Singh @ Sitta. Thereafter, by following a procedure, his search was conducted and 11 vials without labels and 11 injections of some liquid and some syringes were recovered, which was later on found to be Buprenorphine.

Counsel for the petitioner has further submitted that, thereafter, the petitioner was nominated in this FIR with the allegation that the main accused Surjit Singh @ Sitta, has recorded some disclosure statement that he has purchased the same from the present petitioner – Ranjit Singh Singh @ Money. It is also submitted that in fact there is no disclosure statement of the co-accused Surjit Singh @ Sitta and only a general diary number i.e. DDR No.027 dated 06.12.2019 was recorded stating that Surjit Singh has disclosed the name of the petitioner.

Counsel for the petitioner has also argued that in the absence of any disclosure statement which need to be signed by the person making such disclosure, it will be a matter of trial whether by merely entering a DDR, an accused can be nominated in the case or not. It is further submitted that if such procedure is allowed, it will be very easy for the police officials to nominate any accused person without there being any written disclosure statement by the co-accused, on whose asking such DDR is entered.

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Counsel for the petitioner has further argued that in pursuance to the said DDR when the petitioner was arrested, nothing was recovered from to corroborate the allegations that the petitioner has supplied the same.

Counsel for the State on the basis of the DDR could not dispute that there is no disclosure statement of co-accused Surjit Singh @ Sitta, and only a DDR was recorded, however, it is submitted that the petitioner is involved in some other cases under the NDPS Act, wherein he is on bail in some cases.

After hearing the counsel for the parties, considering the fact that the petitioner was nominated on the basis of the so-called disclosure statement which is recorded in a DDR by the police, without signature of the co-accused, who is alleged to have made such disclosure statement and also in view of the fact that in pursuance thereof, no recovery was effected from the petitioner to corroborate the allegations in the case and all these things, need to be decided during the course of trial and lastly, in view of the fact that the petitioner is in long custody for the last 01 year and 06 months and the conclusion of the trial will take some time due to COVID-19 situation, therefore, I deem it appropriate to grant the concession of regular bail to the petitioner.

Accordingly, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for

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cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

03.08.2021
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No