

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20265-2021 (O&M)
Date of decision: 24.11.2021

Paramjit Singh @ Pamma

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. N.S. Sodhi, Advocate and
Mr. N.K. Mehra, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.66 dated 01.06.2020 under Section 21/61/85 of NDPS Act, registered at Police Station STF Phase-4, Mohali.

Learned counsel for the petitioner submits that the FIR was registered on a secret information given to ASI Butta Singh that the petitioner is

indulged in selling of heroin and on basis of the same, a ruqa was sent to the police station and aforesaid FIR was registered. Later on, investigation was handed over to ASI Nachhattar Singh, who along with the police party, reached at shop of the petitioner and thereafter, they went to house of the petitioner, where his father Mukhtiar Singh met and told that the petitioner has gone out of village for some work. It is further case of the prosecution that later, in the evening, on 01.06.2020 itself, when the Investigating Officer on patrol duty and secret informer told that the petitioner is roaming in Village Megha Panj Grayian Hithar and he can be apprehended. Upon this, the police party reached there and saw a person coming on feet and he became perplexed on seeing the police party and tried to run away, but he was apprehended and disclosed his name as Paramjit Singh @ Pamma (petitioner). Thereafter, ASI Nachhattar Singh gave a notice under Section 50 of NDPS Act to the petitioner, stating that he has a doubt that some intoxicant substance is kept in his shop in Village Gajni Wala and he has a right to get his search conducted before a Gazetted Officer or a Magistrate. On this, the petitioner reposed confidence in the Investigating Officer and thereafter, his statement under Section 27 of Evidence Act was recorded on the same day that he has kept concealed heroin, which he procured from the smugglers of Pakistan. Thereafter, the police party reached shop of the petitioner and recovered a transparent plastic bag, in which heroin was kept, which is weighing 500 grams.

Learned counsel further submits that during the period, when the petitioner was arrested in present FIR, he was nominated in another FIR No.63

dated 26.05.2020 under Sections 21/29/61/85 of NDPS Act, Police Station STF Phase-4, Mohali on the basis of disclosure statement of one Partap Singh, from whom recovery of heroin was effected and thereafter, he was taken in police custody in the said FIR and was ultimately granted the concession of regular bail by the Judge, Special Court, Ferozepur vide order dated 23.04.2021.

Learned counsel has referred to the recovery memo dated 02.06.2020 (Annexure P-5), vide which the recovery of 500 grams of heroin was shown to be effected from the petitioner and the same does not bear signatures of the petitioner. It is submitted that even the memo regarding personal search of the petitioner was prepared on 02.06.2020, which raises a doubt that the petitioner was arrested on 01.06.2020 and was already in police custody and as per version in the FIR, raid was conducted on his shop on 01.06.2020 itself, as to why the date has come as 02.06.2020.

Learned State counsel has filed the custody certificate dated 23.11.2021 and affidavit of Investigating Officer/SI Sukhwinder Singh, Special Task Force, Ferozepur Range in the Court today and has not disputed the factual position. In the affidavit, the dates as noticed in the recovery memo dated 02.06.2020 is not explained. Learned State counsel submits that out of total 12 prosecution witnesses, only 01 PW has been examined so far.

As per the custody certificate, the petitioner is in custody for the last 01 year, 05 months and 18 days and is involved in one more case under NDPS Act.

After hearing learned counsel for the parties, without commenting

anything further on merits of the case and considering the aforesaid submissions and in view of the discrepancies shown in the documents prepared by the police during the investigation, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

24.11.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No