

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

(I) CRM-M-19586-2020 (O&M)

Surjit Singh ...Petitioner

Versus

State of Punjab ...Respondent

(II) CRM-M-8735-2021 (O&M)

Rajinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

Date of Decision: 27.08.2021

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Animesh Sharma, Advocate, for the petitioner
in CRM-M-19586-2020.

Ms. Manpreet Ghuman, Advocate, for the petitioner
in CRM-M-8735-2021.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Chamkaur Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the aforesaid two petitions i.e. CRM-M-19586-2020 filed on behalf of Surjit Singh and CRM-M-8735-2021 filed on behalf of Rajinder Singh seeking grant of regular bail in respect of a case registered against them vide FIR No.155 dated 12.08.2019 at Police Station Passiana, District Patiala, under Section 21 of the NDPS Act.

2. The allegations, in nutshell, are that during the course of patrolling and search operation, a lady namely Manjit Kaur @ Bito was apprehended on the basis of suspicion, who was carrying a polythene bag in her right hand. The search of the said bag led to recovery of 450 grams of *heroin*.
3. It is further the case of the prosecution that during the course of interrogation, said Manjit Kaur disclosed that her husband Surjit Singh (petitioner in CRM-M-19586-2020), who is confined in Central Jail, Patiala in connection with FIR No.103 dated 10.08.2017 registered at Police Station Rajpura, under Section 15 of the NDPS Act, is maintaining a phone inside the jail premises having SIM No.8847312714 and frequently used to speak to her and he had arranged for supply of *heroin* to her.
4. It is further the case of the prosecution that on 20.08.2019, the aforesaid Manjit Kaur suffered another disclosure statement, wherein she named Rajinder Singh, who was also confined in Central Jail, Patiala alongwith her husband and stated that he was running a racket of drug peddling from inside the jail premises with the help of mobile phones.
5. Learned counsel for the petitioners have submitted that the petitioners were confined in jail when the occurrence in question is alleged to have taken place and have been nominated as accused on the basis of disclosure statements of Manjit Kaur, which hardly carry any evidentiary value. Learned counsel for petitioner – Surjit Singh has further submitted that it is highly unlikely that Manjit Kaur would have suffered a disclosure statement against her own

husband so as to implicate him. It has also been submitted that since nothing incriminating was recovered from either of the two petitioners, it cannot be said that they had any role to play in the alleged recovery of *heroin* from Manjit Kaur.

6. Opposing the petition, learned State counsel has submitted that both the petitioners are habitual offenders having been involved in large number of cases including cases under the NDPS Act and that without their active involvement, Manjit Kaur could not have laid her hands on *heroin*. Learned State counsel has, however, informed that no recovery was effected from the petitioners. It has also been informed that the petitioners as on date have been behind bars since the last more than 2 years.
7. I have considered rival submissions addressed before this Court.
8. It is not in dispute that on the date when the recovery was effected from Manjit Kaur on 12.08.2019, both the petitioners were confined in jail. In these circumstances, certainly they could not physically hand over the *heroin* to Manjit Kaur. Though the police has come out with a version that both the petitioners were maintaining mobile phones while in jail and had organized delivery of *heroin* while sitting in jail, but since there is no recovery of any mobile phone from either of the accused, the said allegation is also difficult to believe. In any case, since the petitioners have been behind bars for a substantial period of more than 2 years, their further detention will not serve any useful purpose as the conclusion of trial will take some time. Both the petitions, as such, are accepted and the petitioners are ordered to be

released on regular bail on their furnishing bail bonds/surety bonds
to the satisfaction of learned trial Court/Chief Judicial
Magistrate/Duty Magistrate concerned.

(GURVINDER SINGH GILL)
JUDGE

27.08.2021

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