

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.227

CRM-M-35070-2021

Date of decision: 02.11.2021

Chirag Rathi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Kanwaljit Singh, Senior Advocate with
Mr. Harmeet Singh, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.10 dated 19.08.2020, registered under Section 25 of the Arms Act, 1959, Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – the NDPS Act) and Sections 120-B, 420, 467, 468 IPC at Police Station State Special Operation Cell, Mohali.

Briefly stated, the case of the prosecution is that on receipt of secret information the police arrested co-accused Rajinder Singh @ Ganga @ Randip Singh from whose possession a .324 bore pistol with 4 live catridges was recovered. Later, on the disclosure statement of Rajinder Singh, 530 gms of heroin, alongwith Rs.5,20,000/- and his Aadhar card, were recovered from his flat. Interrogation of Rajinder Singh further revealed that he had given Rs.74 lakhs to the petitioner for being given to the petitioner's uncle - Balbir Singh for purchase of land. Accordingly, the petitioner was arrayed as an accused and arrested and on being interrogated he admitted to have received Rs.74 lakhs from co-accused Rajinder Singh and also that he had given such amount to his uncle-Balbir Singh to purchase land. On being questioned, Balbir Singh also stated that he had

received Rs.74 lakhs from the petitioner which he had deposited in the account of one Krishan Mohan to purchase his land which fact was corroborated by Krishan Mohan. The police froze the amount of Rs.74 lakhs lying in Kirshan Mohan's account and later filed a final report under Section 173 Cr.P.C. accusing the petitioner to have laundered drug money.

Learned Senior counsel appearing for the petitioner submits that no case is made out against the petitioner either under the NDPS Act or the Arms Act or even Sections 420, 467 and, 468 IPC; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the only allegation against the petitioner is of receipt of money from co-accused Rajinder Singh for being delivered to the petitioner's uncle for investment; there is no evidence on the record to even suggest that the petitioner was aware of the source of the money given to him by co-accused Rajinder Singh; the petitioner has no criminal antecedents; the investigation in the case is already complete; the amount in question has since been frozen by the State; no recovery of any drugs/psychotropic substances or any weapon has been made from the petitioner and that the petitioner's trial, which is yet to begin and in which 37 witnesses have been cited by the prosecution, is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner is involved in laundering of money from sale of drugs and if he is released on bail he may indulge in similar offences.

The only allegation against the petitioner is of receipt of money from co-accused Rajinder Singh for being delivered to the petitioner's uncle for investment. Whether the petitioner was aware of the source of money given to him by co-accused Rajinder Singh would be debated during the petitioner's trial. However, the petitioner has no criminal antecedents; the investigation in the case is complete; the alleged amount which had allegedly been passed on to the petitioner by co-accused Rajinder Singh has since been frozen by the State; no recovery of any drugs/psychotropic substances or any weapon has been made from the petitioner and that the petitioner's trial, which is yet to begin and in which 37 witnesses have been cited by the prosecution, is likely to take a long time to conclude.

After considering the entire facts, the present case is considered

to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, SAS Nagar, Mohali, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

If the petitioner is found indulging in any criminal act or misusing the concession of bail granted by this Court, it would be open to the State to seek cancellation of bail granted through this order by filing an appropriate application before the competent Court/this Court.

November 02, 2021
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No