

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-24699-2020 (O&M)
Date of Decision:-11.10.2021

Daljit Singh @ Laali

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.P. Dhir, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.116 dated 3.10.2018 at Police Station Maqboolpura, District Amritsar City under Sections 21 and 29 of Narcotic Drugs & Psychotropic Substances Act.
2. The FIR in question was lodged on the basis of a secret information received by Inspector Arun Sharma on 03.10.2019 to the effect that Sandeep Singh and Daljit Singh @ Laali (petitioner) indulged in sale of 'heroin' in various cities and adjoining villages and that in case a raid is conducted, huge quantity of 'heroin' could be recovered.

3. It is the case of prosecution that pursuant to receipt of said information, the police was able to intercept a motorcycle bearing registration No.PB-06-AH-3212 on which two persons were riding. While the pillion rider fled away from the spot, the petitioner, who was driving the motorcycle, was apprehended. Upon inquiry, he disclosed his name as Daljit Singh @ Laali and that of the person, who had run away, as Sandeep Singh. Upon search of the motorcycle, 300 grams of 'heroin' was recovered in respect of which Daljit Singh @ Lalli (petitioner) could not furnish any license or permit.
4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the instant case. It has been submitted that although the recovery is stated to have been effected pursuant to receipt of a secret information but no such secret information was conveyed to the Superior Officers as mandated in terms of Section 42 of NDPS Act. It has also been submitted that the falsity of case would be evident from the fact that the recovery memo does not bear the signature of petitioner.
5. Opposing the petition, learned State counsel has submitted that since the petitioner was caught red handed at the spot and a recovery of 300 grams of 'heroin' was effected from him, which is a 'non-commercial' quantity, no case for grant of bail is made out. Learned State counsel has submitted that even if signatures of the petitioner are missing on some documents, the same would be inconsequential as the documents have been duly signed and attested by Senior Police Officers. Learned State counsel has, however, informed that the petitioner as on date has been behind bar since the last more than 3 years and that although there were three other cases registered against him but he stands acquitted in one of them and cancellation reports

have been filed in the other two. It has also been informed that as on date only 1 out of cited 15 prosecution witnesses has been examined.

6. I have considered rival submissions addressed before this Court.
7. Without making any expression as regards merits of the case but while considering that the petitioner is not involved in any other case as in the other cases, he has either been acquitted or cancellation reports have been filed and while also noticing that the conclusion of trial is likely to consume time as only 1 out of cited 15 prosecution witnesses has been examined so far, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

11.10.2021

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No