

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 216

CRM-M-32218-2020

Date of decision : 17.02.2021

Rahul Singh @ Babbu

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.P.S.Sekhon, Advocate, for the petitioner.

Mr.H.S.Sitta, AAG, Punjab.

DEEPAK SIBAL, J. (Oral)

Case 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.25 dated 04.02.2020, registered under Sections 21/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short the NDPS Act) and Section 207 of the Motor Vehicles Act, 1988, at Police Station STF Phase-IV (Mohali), district SAS Nagar (Mohali).

Briefly stated, the case of the prosecution is that the police received a secret information that on 04.02.2020 the petitioner, Harminder Singh and Sukhdev Singh were selling heroin; on 03.02.2020 they had gone to Delhi for purchasing heroin and would be coming back on 04.02.2020 in different vehicles; the police laid a naka; the car in which Harminder Singh was travelling was stopped and his search yielded 1.020 grams of heroin; thereafter Sukhdev Singh was arrested and his search yielded recovery of 13 grams of heroin; the petitioner was arrested on 15.02.2020 and that the petitioner is a habitual offender as he was also involved in another case under the NDPS Act.

Seeking regular bail for the petitioner learned counsel submits that the petitioner has been falsely implicated in the present case; he is in custody for over one year; he was not arrested from the spot; no recovery of any narcotics has been effected from his person or property; the petitioner had himself surrendered before

the police; in the other case against him he has been nominated as an accused only on the basis of disclosure statements of Surjit Singh and Sonia made by them in police custody which statements have no evidentiary value; report under Section 173 Cr.P.C. has already been filed and therefore he is not in a position to influence the investigation and that the petitioner's trial, which is yet to commence and in which 30 prosecution witnesses have been cited, will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he is accused of another case under the NDPS Act and if released on bail he may indulge in similar offences.

In the present case, no recovery has been effected from the petitioner's person; he was not arrested from the spot; he himself surrendered before the police; he has been arrayed as an accused in the other case against him under the NDPS Act on the basis of disclosure statements of co-accused in police custody; he is in custody for over one year; report under Section 173 Cr.P.C. has already been filed and therefore he is not in a position to influence the investigation and his trial which is yet to commence and in which 30 prosecution witnesses have been cited, is likely to take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above, 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, Sangrur 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.

17.02.2021
shamsher

[DEEPAK SIBAL]
JUDGE

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