

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

Criminal Misc. No.M-41441 of 2021(O&M)

Date of Decision: November 22, 2021

Paramveer Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr. Tanveer Singh Grewal Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 438 Cr.P.C for grant of pre-arrest bail in case FIR No.176 dated 21.07.2017 under Section 22 of the NDPS Act, Police Station Lambi, District Sri Muktsar Sahib, Punjab.

The allegations in the FIR are that a police party was present at the Drain bridge in the revenue estate of village Badal. One Jeep was seen coming from the side of Mehna. The driver of the jeep was signalled to stop. On seeing the police party, he tried to turn the jeep backwards. However, the police party stopped the jeep. There were two persons in the Jeep. The driver disclosed his name as Paramveer Singh (petitioner). The person next to him disclosed his name as Nirmal Singh. Between the seat of the driver and his co-passenger a plastic bag was seen. On search of the plastic bag, 35 vials of Onerex weighing 100 ml. each, 500 tablets of Carisoma and 500 tablets of Alprasafe were recovered.

The petitioner was released on interim bail vide order dated

13.09.2017 as the FSL report had not been received. While the petitioner was on interim bail, his father submitted an application dated 12.12.2017 to the Inspector General of Police, STF, Bathinda Zone stating that the petitioner was innocent. It was stated that the petitioner had been given Rs.27,000/- by the applicant (his father) and sent to Mandi Dabwali to purchase POP material for paint work going on at their house. The petitioner purchased the said material from Shri Balaji Paints, Mandi Dabwali against Bill. He loaded the same on a Tempo to be transported to his house and thereafter, started his journey back on the jeep. On the way, near Bus Stand, Mandi Dabwali, he met co-accused Nirmal Singh, who signalled him to stop and asked for a lift to his village. Nirmal Singh was known to the petitioner as he belonged to a village next to the petitioner's. The petitioner gave him a lift. Nirmal Singh was carrying a plastic bag and he informed the petitioner that the plastic bag contained household items. It was thus submitted that the petitioner was innocent and the contraband belonged to Nirmal Singh.

On the said application, an enquiry was got conducted from the SHO, Police Station Lambi, who submitted his report dated 01.02.2018 wherein, it was concluded that the petitioner was innocent. The version that the petitioner had gone to Mandi Dabwali to purchase some material for paint work and that he had met co-accused Nirmal Singh on the way back and had given him a lift, was accepted. Inquiry report was forwarded to the IGP, STF Bathinda Zone who returned the same with the remarks that the inquiry in the matter be got conducted through some Gazetted officer. Thereafter, the inquiry was got conducted through DSP, Malaut. He submitted his report dated 09.06.2018. He came to a similar conclusion as the SHO that the petitioner had given a lift to co-accused Nirmal Singh and was not aware of the contents of

the plastic bag. During the inquiry, statements of various persons including of Sachin Bansal, owner of Balaji Paints were recorded. Sachin Bansal who corroborated the petitioner's version regarding purchase of the material from him by the petitioner. Statements of respectable persons of the village were also recorded. This report was forwarded to IGP, Bathinda, who returned it back raising certain queries and directing that the call details and location of the petitioner and co-accused be checked and that the statement of the co-accused Nirmal Singh be also recorded. Thereafter, an inquiry was again conducted by DSP, Malaut, who submitted his inquiry report dated 30.11.2018. During the inquiry, statement of co-accused Nirmal Singh was also recorded, who stated that he had gone along with the petitioner to Mandi Dadwali. On reaching Dabwali, the petitioner gave money to some POP worker and asked him to go to the village with the material. Then the petitioner and Nirmal Singh went to village Chautala in a jeep, from where they collected the intoxicating material from some unknown person. On the way back they were intercepted by the police. However, the call details and location could not be ascertained due to lapse of time. This report was submitted to IGP, STF Bathinda Zone, who again returned the same and directed that the inquiry be conducted by IGP, Bathinda. Thereafter, the inquiry was marked to SP, Sri Muktsar Sahib, who opined that no further action was required at the end of the police and the matter be submitted before the Court. After that challan has been presented against the petitioner and co-accused Nirmal Singh on 19.01.2021.

Ld. counsel for the petitioner submitted that in two inquiries the petitioner has been found innocent. The petitioner has clear antecedents, whereas, three cases under the NDPS Act have been registered against co-accused Nirmal Singh. The petitioner had only given a lift to co-accused

Nirmal Singh and did not know that he was carrying contraband in his bag.

Mr. Kirat Singh Sidhu, Ld. AAG has contended that the present application is not maintainable. The petitioner was arrested in this case. He was released on interim bail on account of non-receipt of the FSL report. He was required to surrender when the FSL report was filed along with the challan but the petitioner failed to do so. The petitioner is not entitled to any concession from this Court.

The FIR was registered on 21.07.2017. The petitioner was released on interim bail on 13.09.2017 because the FSL report had not been received.

Now, challan has been filed against the petitioner and co-accused. The FSL report has been filed along with the challan. The petitioner is required to surrender and appear before the Court.

In these circumstances the present petition for grant of anticipatory bail may not be maintainable.

Accordingly, this petition is disposed of with the observations that the petitioner may surrender before the Court and thereafter apply for bail. The Court may then dispose of the bail application expeditiously. The Trial Court would obviously consider the inquiry reports that the petitioner has relied upon.

November 22, 2021

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**(HARINDER SINGH SIDHU)
JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No