

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(203)

CRM-M-44658-2019

Rajpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

(203-1)

CRM-M-46713-2019

Kulwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

Date of decision:- 21.09.2021

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Kuldip Singh, Advocate for the petitioner(s) (in both cases).

Mr. Prabhjot Singh Walia, AAG, Punjab

...

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

This order will dispose of two cases bearing Nos. ***CRM-M-44658-2019 titled as "Rajpal Singh Versus State of Punjab" and "CRM-M-46713-2019 titled as Kulwinder Singh Versus State of Punjab"*** as the petitioners in both the cases are accused in FIR No.54 dated 09.08.2019 under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Amir Khas, Fazilka and have approached this Court through separate petitions filed under Section 438 of the Code of Criminal Procedure, 1973, seeking grant of anticipatory bail.

FIR, Annexure P-1, came to be registered on the basis of secret information that the accused are loading their cars with contraband from an overturned vehicle, which had met with an accident. Recovery of 150 kgs of *poppy husk* was made from the spot and Sawinder Singh @ Baghar @ Baghri and Sukha Singh @ Gaggu were arrested, whereas other accused managed to escape under the cover of darkness.

Vide order dated 18.10.2019/01.11.2019, this Court granted interim protection to both the petitioners and directed them to join investigation. In the course of investigation, it was revealed that the actual name of accused-Gagandeep Singh @ Gaggu was Kulwinder Singh (petitioner in CRM-M-46713-2019) and that of accused-Vikramjeet Singh @ Vicky was Rajpal Singh (petitioner in CRM-M-44658-2019).

During the hearing of the petitions on 06.07.2021, State counsel submitted that though the petitioners have joined the investigation, but they have misused the concession of anticipatory bail and they have indulged in the trade of prohibited substance. A status report by way of an affidavit of Deputy Superintendent of Police, Sub-Division, Jalalabad, District Fazilka has been filed, wherein it has been stated as under:-

“That petitioner is habitual offender because after obtaining concession of interim bail in the instant petition, petitioner is still engaged in trafficking of contrabands and due to this reason another FIR bearing No.101 dated 17.06.2021 under Section 15 of the NDPS Act has been registered against petitioner and his brothers namely Kulwant Rai and Kulwinder Singh at PS Vairo Ke and during search 3 quintal of poppy husk

has been recovered from them. Petitioner and his above said brother Kulwant Rai has (sic 'have') been arrested in the above said FIR and now they are in judicial custody in the said FIR. It is worthwhile to mention here that above said Kulwinder Singh is also accused in the present FIR No. 54 dated 09.08.2019 and vide order dated 01.11.2019 he has been granted concession of interim bail in the instant FIR by this Hon'ble Court in CRM-M-46713-2019 and thereby both accused of instant FIR i.e. petitioner as well as above said Kulwinder Singh has (sic 'have') misused concession of interim bail.”

Faced with this situation, counsel for the petitioner(s) seeks and is granted permission to withdraw the petition(s).

Dismissed as withdrawn.

(SUVIR SEHGAL)
JUDGE

21.09.2021
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No