

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

**DECIDED ON: 9<sup>th</sup> May, 2022**

**(1) CRM-M-577 of 2022**

**Robin Masih @ Simran Masih**

**.....PETITIONER**

**VERSUS**

**State of Punjab**

**.....RESPONDENT**

**(2) CRM-M-558 of 2022**

**Sukhwinder Kaur**

**.....PETITIONER**

**VERSUS**

**State of Punjab**

**.....RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.**

Present: Mr. A.S. Manaise, Advocate and  
Mr. Vinay Kumar, Advocate with  
Mr. Manoj R.Sharma, Advocate for petitioners.

Mr. Amit Mehta, Sr. DAG Punjab.

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**AVNEESH JHINGAN, J (ORAL)**

Petitioners-Robin Masih @ Simran Masih and Sukhwinder Kaur are seeking regular bail in case of FIR No.26 dated 1.4.2021, under Sections 21, 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act') and Section 25 of Arms Act, 1959 registered at Police Station Dera Baba Nanak, Police District Batala, District Gurdaspur.

The brief facts are that the police acting upon a secret information raided house of Sukhwinder Kaur (petitioner) in village Nikko Sarai. Sukhwinder Kaur and one male person were standing outside the said house. The police party apprehended Sukhwinder Kaur and recovered 15 grams of *Heroin* but the accomplice was able to flee, Sukhwinder Kaur disclosed his name as Rajan (her husband).

During investigation Vijay Masih was nominated as supplier of the contraband to Sukhwinder Kaur and her husband. Vijay Masih after his arrest got recovered 300 grams of *Heroin* from a Honda Amaze Car owned by him. He stated that the car was being used by Robin Masih (petitioner) and Chand Mashi for drug paddling business. Robin Masih was arrested on 7.6.2021.

Learned counsel for petitioner-Sukhwinder Kaur submits that the recovery from her was of non-commercial quantity, it is a case of false implication and she is in custody since 1.4.2021 and no recovery is to be made from her.

Learned counsel for petitioner-Robin Masih @ Simran Masih submits that he was named in a disclosure statement, no recovery was made from him and it is a case of false implication, due to his involvement in other cases.

Learned counsel for the petitioners rely upon the fact that co-accused Chand Masih was granted bail by Sessions Court.

Learned State Counsel opposes the prayer and submits that the petitioners are involved in other cases under the Act.

Considering that recovery from petitioner-Sukhwinder Kaur is of non-commercial quantity, she has no criminal antecedents, she is in custody since 1.4.2021 and petitioner-Robin Masih was named in a disclosure statement, no recovery was made from him and he is in custody since 7.6.2021, investigation is complete, conclusion of trial is likely to take time, bail is granted to the petitioners on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petitions are allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Photocopy of this order be placed on the file of connected case.

9<sup>th</sup> May, 2022

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(AVNEESH JHINGAN)  
JUDGE

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|----------------------------------|------------|
| <i>Whether speaking/reasoned</i> | <i>Yes</i> |
| <i>Whether reportable</i>        | <i>No</i>  |