

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

268

CRM-M-6047-2022 (O&M)

Date of decision: 07.04.2022

Karamjit Singh @ Karamjeet Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Veneet Sharma, Advocate
For the petitioner.

Mr.Saurav Khurana, DAG Punjab.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.10 dated 19.08.2020, registered under Section 25 of the Arms Act, 1959, Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – the NDPS Act) (Sections 120-B, 420, 467, 468 IPC added later on) at Police Station State Special Operation Cell, Mohali.

Briefly stated, the case of the prosecution is that on receipt of secret information the police arrested Rajinder Singh @ Ganga @ Randip Singh from whose possession a .32 bore pistol with 5 live cartridges was recovered. Later, on his disclosure statement, 530 gms of heroin alongwith Rs.5,20,000/- and his Aadhar card, were also recovered from his flat. Interrogation of Rajinder Singh further revealed that the petitioner, who was a police Constable, by misusing his official position was helping him in the transportation of drugs and drug money.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; there is no other criminal case

pending against the petitioner; the only evidence against the petitioner is the statement of co-accused Rajinder Singh allegedly made by him under Section 67 of the Act, which as per the law laid down by the Supreme Court in ***“Toofan Singh vs.State of Tamil Nadu”, 2021(1) RCR (Criminal) 1***, and ***“State by (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta and another”, 2022(1) RCR (Criminal) 76***, is inadmissible in evidence; no recovery of any narcotics or drug money has been made from the petitioner; the petitioner is in custody since 28.08.2020; the investigation in the case is complete and therefore, the petitioner is in no position to influence the same; since the petitioner has already been dismissed from service, he is also in no position to influence the trial; co-accused Chirag Rathi has been granted the concession of regular bail by this Court; and that since 18 prosecution witnesses are still to be examined in the petitioner’s trial, the same is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner misused his official position to transport drugs/drug money and if he is released on bail he may indulge in similar offences as also influence the trial.

After considering the afore rival submissions and applying the law laid down by the Supreme Court in ***Toofan Singh’s*** case and ***Pallulabid Ahmad Arimutta’s*** case (Supra) with regard to the evidentiary value of statements made by an accused under Section 67 of the Act as also because the investigation in the case is complete; the petitioner is in custody for the last over one year and seven months; no recovery of any narcotics or drug money was made from his person; he also stands dismissed from service and since 18 prosecution witnesses still remain to be

examined in the petitioner's trial this court is of the opinion that the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, SAS Nagar, Mohali, 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.

It is further clarified that if the petitioner is found indulging in any criminal act or misusing the concession of bail granted by this Court, it would be open to the State to seek cancellation of bail granted through this order by filing an appropriate application before this Court.

(DEEPAK SIBAL)
JUDGE

07.04.2022

neenu

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