

209

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10680-2022 (O&M)
Date of Decision:27.09.2022

Baljit Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Parminder Singh Sekhon, Advocate for the petitioner.

Mr. Kunal Muthreja, AAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.334 dated 28.08.2019 registered under Sections 21, 22, 25 and 29 NDPS Act 1985, Section 25 Arms Act, 1959 and Section 473 IPC at Police Station City Barnala, District Barnala. The petitioner is in custody since his arrest on 28.08.2019.

The FIR was registered on the basis of secret information and the allegations as noticed by the Id. Judge, Special Court, Barnala in the order dated 16.10.2020 are as under:

“As per the prosecution version, on 28.8.2019 Inspector Baljit Singh along with other police officials was present at Bathinda Barnala road where at about 12.35 pm he received a secret information that accused/applicant and others have formed a gang for selling the intoxicant material in the different cities of Punjab and on that day they were on the opportunity to supply the intoxicant material in the city Barnala, in car no. PB 59 B 1253 by taking the same from outer State. Finding the information to be reliable, ruqa was sent on the basis of which the FIR was registered against the accused. Then naka was laid at the disclosed place and accused/applicant and others apprehended. Then option of search was given to the accused and when they opted their search to be conducted before a Gazetted Officer then DSP

Rajesh Kumar Chibber was called at the spot who also gave the option of search before some other Gazetted Officer or Magistrate to the accused but when they reposed confidence in the DSP, then two bags lying in the above said car were checked, which led to the recovery of 5000 strips of Clovidol 100 SR each strip containing 10 tablets i.e. 50,000 intoxicant tablets in each bag (total one lacs tablets). Then the accused/non applicants Gobind Singh Gurpreet Singh and Baljit Singh present accused/applicant were arrested and further investigation was carried out. From the personal search of accused/non-applicant Gobind Singh, one 32 bore pistol along with two live cartridge was also recovered which was also taken into police possession. During the course of investigation, accused/nonapplicant Gobind Singh suffered disclosure statement that he has bought the above said one lacs tablets for an amount of Rs.1,40,000/- from Rashad and Shamshad Mohd residents of Gaziabad. That some of the amount was given to him by Baljit Singh accused/applicant and Gurpreet Singh accused/non-applicant, whereas remaining amount was funded by accused/non applicants Dharma Singh as well as Neelo Kaur, Vicky Singh and Bunty Singh and on the day of recovery, they were coming to supply the consignment to accused/non applicant Vicky. It was on the basis of this disclosure statement, that accused/non applicant Dharma Singh was also nominated in this case.”

Learned counsel for the petitioner has argued that only five prosecution witnesses have been examined so far by the prosecution out of total thirty two witnesses and as the co-accused of the petitioner, namely, Rashid @ Sonu has been released on bail, therefore, the petitioner also deserves the similar concession. He prays for bail.

The prayer is opposed by learned State counsel assisted by ASI Balveer Singh, who has argued that the contraband (1 lakh intoxicating tablets) recovered from the accused persons would fall within the ambit of commercial quantity. He submits that the petitioner was travelling in the vehicle along with other co-accused, who were arrested on the spot and the case of the petitioner is distinguishable from his co-accused Rashid @ Sonu, who was implicated on the basis of the disclosure statement of the co-accused.

During the course of hearing, it is also not disputed by Mr.Sekhon, learned counsel for the petitioner that his accomplice Gobind Singh is involved in other cases of similar nature.

Considering the above background, nature and quantity of the contraband, this Court does not find it to be a fit case for extending the concession of regular bail to the petitioner at this stage.

Dismissed.

27.09.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No