

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 16.05.2022

1. CRM-M-17957-2021 (O&M)

Bittu Singh

... Petitioner

Vs.

State of Haryana

... Respondent

2. CRM-M-25297-2021 (O&M)

Ranjit Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Dheeraj Narula, Advocate
for the petitioner (in CRM-M-17957-2021).

Mr. J.S. Sandhu, Advocate and
Mr. P.S. Jammu, Advocate
for the petitioner (in CRM-M-25297-2021).

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in both these petitions is for grant of regular bail to

petitioners Bittu Singh and Ranjit Singh, in FIR No.8 dated 15.01.2021 under Section 22 (c)/61 of NDPS Act and Section 61 of Punjab Excise Act, registered at Police Station Baragudha, District Sirsa.

Learned counsel for the petitioners submit that the FIR was registered at the instance of SI Data Ram with the allegations that while on patrol duty, he noticed a motorcycle with one rehri, in which four persons were loading the plastic bags. When he reached near the motorcycle and stopped his car, they tried to run away, however, three of them were apprehended and disclosed their names as Bittu Singh, Kamaldeep Singh and Ranjit Singh. They further disclosed that the person, who ran away, is Gurwinder Singh @ Sethi. Thereafter, by following the procedure under Section 50 of NDPS Act and calling a Gazetted Officer at the spot, recovery of 53200 intoxicant tablets and 384 bottles of country-made liquor was effected.

Learned counsel for petitioner Bittu Singh submits that the petitioner is in custody for the last about 01 year and 04 months and there are some discrepancies in the investigation conducted by the police, therefore, he is entitled to bail.

Learned counsel for petitioner Ranjit Singh submits that the petitioner is in custody for the last about 01 year and 04 months; he is first offender and is not involved in any other case and as per the investigation, though he was present at the spot, however, there is no disclosure of the co-accused that either he brought the intoxicant tablets from any other place or was indulged in any such business.

Reply by way of affidavit of Deputy Superintendent of Police,

Sirsa is on record. As per this affidavit, on 15.01.2021, petitioner Bittu Singh made a disclosure statement that he is dealing in the business of intoxicant tablets and liquor and he is doing so for income and meeting out his personal expenses and his friends Kamaldeep Singh, Ranjit Singh and Gurvinder Singh @ Sethi are also involved with him. He further stated that on 14.01.2021, Gurvinder Singh @ Sethi brought intoxicant tablets and liquor (recovered from them) in his Innova car, but he do not know, from where he purchased it. It is further stated in the affidavit that on 19.03.2021, co-accused Gurvinder Singh @ Sethi was arrested and he made disclosure statement, in which it is admitted that he supplied 53200 intoxicant tablets and 32 boxes of illegal liquor to petitioner Bittu Singh and co-accused Kamaldeep Singh and Ranjit Singh and also demarcated the place. He also made a supplementary disclosure statement, in which he disclosed name of the person, from whom, he purchased the intoxicant tablets from New Delhi and Mohali and Kurali in Punjab. He further stated that he sold some of the intoxicant tablets in Haryana, Punjab and Rajasthan in his Innova car bearing registration No.HR-20AP-6857. Thereafter, on the basis of disclosure statement of co-accused, some other persons, from whom he purchased the intoxicant tablets, were also arrayed as accused. It is also stated in the affidavit that petitioner Bittu Singh is involved in one more FIR No.142 under Section 22/61/85 of NDPS Act, in which recovery of 23200 intoxicant tablets was effected, though he is on bail in said FIR.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the antecedents of both the petitioners, I find no ground to grant regular bail to petitioner Bittu Singh,

however, in view of the investigation conducted, as stated by the DSP in his affidavit, I find that it is a fit case, where petitioner Ranjit Singh, who is not involved in any other case and is in custody for the last 01 year, 03 months and 28 days, is entitled to regular bail.

Accordingly, **CRM-M-17957-2021**, filed by petitioner Bittu Singh is **dismissed** and **CRM-M-25297-2021** filed by petitioner Ranjit Singh is **allowed** and petitioner Ranjit Singh is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

A photocopy of this order be placed on the file of connected case.

[ARVIND SINGH SANGWAN]
JUDGE

16.05.2022
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No