

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of decision 28th March, 2022

(1) CRM-M-14880 of 2020 (O&M)

Shammi Singh

Petitioner

Versus

State of Punjab

Respondent

(2) CRM-M-2086 of 2021 (O&M)

Jaggi Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. P. S. Sekhon & Mr. Manpreet Kaur Ghuman, Advocates
for petitioners-Shammi Singh and Jaggi Singh.
Mr. Sandeep Kumar, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

The petitioners are before this Court seeking regular bail in FIR No. 43 dated 19.3.2020, under Sections 21/25/27-A/29 of NDPS Act, 1985 (for short, 'the Act') registered at Police Station Special Task Force, District SAS Nagar.

The brief facts are that on 19.3.2020, police party received a secret information that Mangal Singh, Shammi Singh and his brother Jaggi Singh are indulging in smuggling and selling of heroin. Acting upon the information, *nakabandi* was done and Scorpio car bearing registration No. PB-03BC-7257 was signalled to stop, driver-Mangal Singh tried to turn the vehicle but was apprehended. Six hundred grams of heroin and Rs.20,000/- drug money was recovered. The petitioners were named in the disclosure statement and the role attributed was that they had paid the money and recovered contraband was to be supplied to them.

CRM-M-14880 of 2020 (O&M) and connected petition [2]

Learned counsels for the petitioners submits that the petitioners are in custody since 19.3.2020, investigation is complete, no recovery was made from the petitioners and they were named in the disclosure statement. Ms. Manpreet Kaur Ghuman, Advocate appearing for accused-Jaggi Singh further submits that the petitioner is not involved in any other case.

Learned counsel for the State opposes the prayer for grant of bail. He submits that heavy recovery was made from Mangal Singh and he was apprehended from the spot. He further submits that petitioner-Shammi Singh is involved in other case under the Act.

Considering that the petitioners were not apprehended from the spot, no recovery was made from them, their names surfaced in the disclosure statement and recovery from petitioner -Shammi Singh in another case is of non-commercial quantity, the investigation is complete and conclusion of trial will take time and custody period of the petitioners, the petitioners are granted bail subject to their furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petitions are allowed.

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

Pending applications, if any, also stand disposed of.

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

[AVNEESH JHINGAN]
JUDGE

28th March, 2022

mk

- | | | |
|-------------------------------|---|---------|
| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |