

214 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-27631-2021

Decided on: 2nd March, 2022

Iqubal Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ruhani Chadha, Advocate for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

1. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 147, dated 6th November, 2020, under Sections 18, 21, 23, 25 and 27 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), Section 29-A of Arms Act, 1959 and Sections 420, 467, 468 and 471 of IPC registered at Police Station Special Task Force, District Mohali.

2. Brief facts are that on 5th November, 2020, police officials received a secret information that Gurdeep Singh, Ex-sarpanch and other accused, import Heroin and other intoxicant from outside India and sell the same after refining it. Finding the information worth reliance, raids were conducted and the accused were apprehended. During investigation and interrogation of accused, total recovery of 5 kg 909 grams of Heroin, 400 grams of opium, 11 luxury cars, currency of Rs.50,24,950/-, revolvers, rifles alongwith cartidges, 91.5 grams of Gold and diaries is alleged to have

been effected. Iqbal Singh (petitioner) was named in the secret information. He along with other co-accused were apprehended on 6th November, 2020 and at his instance 110 grams of Heroin was recovered as also an Innova Car allegedly used for sale of contraband.

3. Learned counsel for the petitioner submits that it is a case of false implication, the recovery allegedly at instance of petitioner is of non-commercial quantity, he is not involved in any other case under the Act, he is in custody since 6th November, 2020 and investigation is complete.

4. Learned State counsel opposes the prayer for grant of regular bail and submits that petitioner was specifically named in the secret information and at his instance recovery of Innova car and 110 grams of Heroin was made. It is further submitted that heavy recovery of contraband was made from the co-accused, there was recovery of arms and ammunitions and drug money. He further submits that challan stands presented and charges have been framed. He further on instructions does not dispute that petitioner is not involved in any other case under the Act.

5. Without commenting upon the merits of the case, considering that recovery at the instance of the petitioner was of non-commercial quantity, he has no criminal antecedents and though the challan stands presented conclusion of the trial is likely to take time, petitioner is granted bail, subject to furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

6. The petition is allowed.

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

8. Since the main petition is allowed, pending applications if any, renders infructuous.

[AVNEESH JHINGAN]
JUDGE

2nd March, 2022
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes /No
2. Whether reportable

:

Yes /No