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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31814-2021 (O&M)
Date of Decision:25.04.2022

Rashpal Singh @ Saba

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ranjodh Singh Sidhu, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, 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.164 dated 13.12.2017 registered under Sections 406 and 473 IPC, Section 25 Arms Act and Section 21 NDPS Act (Sections 148, 149 and 201 IPC added later on) at Police Station Goindwal Sahib, District Tarn Taran. The petitioner is in custody since his arrest on 13.12.2017.

As per the FIR the police received a secret information that Gurpreet Singh alias Gopi, Gurjant Singh alias Bachi, Manav Majbhi and Rashpal Singh alias Saba (petitioner) in connivance with each other had formed a gang, who armed with deadly weapons looted and snatched loaded trucks from drivers on highways and also sell narcotic substance. The information further revealed that a few days back the said members of the gang had affixed a false number-plate on a truck loaded with Dalda Ghee and said truck was to be commuted from Rajpura to Jammu & Kashmir, but in order to misappropriate the articles lying in the truck they had hidden the

same. Upon receipt of the aforesaid information the police raised barricades near Goindwal Chowk near Bus Stand and a truck bearing registration No.PB-10-BC-4344 was signalled to stop. According to prosecution the police was able to nab the driver, whereas other 5/6 persons after alighting from truck ran away. The driver disclosed his name as Rashpal Singh, who further disclosed that the persons who escaped were Gurpreet Singh alias Gopi, Gurjant Singh alias Bachi, Manav and Sahib Singh. Upon search of Rashpal Singh, a country made pistol and three .12 bore live cartridges were recovered from his right pocket and apart from it, a yellow coloured polythene bag containing 300 grams of 'Heroin' was also recovered. The truck in question was found to be loaded with 815 boxes of 'Ghee' weighing 15 Kgs. each. On these broad allegations, the present FIR was registered.

Learned counsel has argued that though the trial commenced on 19.12.2018, when charges against the petitioner were framed for possessing arms and 300 grams of heroin, but till date over a period of more than four years, only five witnesses have been examined out of total fifteen prosecution witnesses. He submits that the petitioner is not involved in any other NDPS case, therefore, he be released on regular bail.

Learned State counsel, assisted by ASI Lakhbir Singh while opposing the prayer on the ground that the recovered contraband falls within the ambit of commercial quantity, has also pointed out that the petitioner is also charge-sheeted for the offences punishable under Sections 406 and 473 IPC, but it is not disputed by learned State counsel that he is not involved in any other similar case under NDPS Act. In this regard, he has produced the custody certificate of the petitioner by way of affidavit of Raja Navdeep Singh,

involved in two other cases of theft, wherein he is on bail. However, it is not disputed that ten prosecution witnesses still remain to be examined.

Considering the above background and custody of the petitioner, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, therefore, further detention of the petitioner may not serve any useful purpose. Apart from it, the material witnesses are police officials and at present there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

25.04.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No