

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

DECIDED ON: 6th April, 2022

(1) CRM-M-20518 of 2021 (O&M)

Davinder Singh

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

(2) CRM-M-33109 of 2021 (O&M)

Bau Singh @ Jaskaran Singh

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. H.S. Dhindsa, Advocate and
Mr. Nagar Singh, Advocate
for petitioners.

Mr. Amit Mehta, Sr. DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

These petitions are filed seeking regular bail in case of FIR No.65 dated 12.4.2021, under Sections 21, 29, 59 of NDPS Act, 1985 and Section 7 of the Prevention of Corruption Act, 1988 (amended Act, 2018) and under Section 120-B IPC, registered at Police Station City Tarn Taran, District Tarn Taran.

The FIR was registered on the basis of secret information received that Davinder Singh, Inspector Baljit Singh and Head Constable Devinder Singh recovered one kg of Heroin in Tarn Taran Area, from Malkiat Singh @ Palta and his brother-in-law Bau Singh @ Jaskaran Singh (petitioner). The accused gave a bribe of Rs. 3,50,000/- to Inspector Baljit Singh and Davinder Singh (petitioner) and they were released but the recovered Heroin was kept by the police officials.

Learned counsel for the petitioners submits that the petitioner-Davinder Singh is in custody since 12.4.2021 and Bau Singh @ Jaskaran Singh is in custody since 28.7.2021 investigation is complete and no recovery is to be made from the petitioners. Co-accused Inspector Baljit Singh was granted anticipatory bail by this Court. It is further argued that material witnesses have been examined. The contention is that apart from secret information, there is no evidence with the prosecution to connect the petitioners with the alleged incident.

Learned State counsel opposes the prayer and submits that six prosecution witnesses have already been examined.

The petitioners were nominated on the basis of secret information and no recovery was effected from the petitioners. Considering the custody period, the fact that though the investigation is complete but conclusion of trial is likely to take time and co-accused was granted anticipatory bail by this Court, the petitioners are granted bail on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petitions are allowed.

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

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

6th April, 2022

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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>