

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

CRM-M-35672-2019

Date of decision: March 10, 2022

Satnam Singh @ Satta

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vipul Jindal , Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J.

The present petition has been filed for grant of regular bail to the petitioner in case FIR No.04 dated 20.4.2019 registered under Sections 21/25/29 of NDPS Act and under Section 25 of the Arms Act at Police Station SSOC, District Amritsar.

Counsel for the petitioner at the very outset relies upon the order dated 15.2.2022 passed in CRM-M-55250-2019 vide which co-accused Major Singh @ Jasbir Singh @ Dodhi was granted the concession of regular bail noticing the fact that another accused Sukhdev Singh @ Gurdev Singh @ Sunny has already been granted the concession of bail by the Hon'ble Supreme Court vide order dated 3.1.2022 passed in SLP (Crl.) 2988 of 2021. The operative part of the order dated 15.2.2022 reads

as under :-

“After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner is first offender; he is in long custody of 02 years and 09 months; his co-accused Sukhdev Singh @ Gurdev Singh @ Sunny, who was owner of the motorcycle and arrested at the same time, has already been released on bail by the Hon’ble Supreme Court vide order dated 3.1.2022 and also in view of the fact that out of total 25 prosecution witnesses, only 07 PWs have been examined so far and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.”

For the sake of brevity, the facts are not reproduced.

Counsel for the petitioner submits that the allegations against the petitioner are that the petitioner was driving the car from where the recovery was effected. Counsel for the petitioner further submits that the petitioner is in custody for the last 02 years, 10 months and 17 days and he is not involved in any other case under the NDPS Act, though he is involved in two FIRs under the IPC and is on bail. Counsel for the petitioner further submits that conclusion of the trial is likely to take long time and has pointed

out certain material irregularities with regard to the non-compliance of Section 42 of the Act. Counsel has further submitted that a *ruqa* was sent by SI Aman Singh to SI Raj Singh, who is an officer of the equivalent rank and not a senior police officer. It is also argued that in the recovery memo, the Gazetted Officer has signed only on the recovery memo of the narcotics. However, on the alleged recovery of the fire arm, the DSP has not signed, which raises a suspicion. It is also submitted that all the documents which were prepared at the spot are typed documents giving the complete description of FIR No.4 dated 20.4.2019, which also raises a suspicion about the manner in which the investigation has been conducted.

The learned State counsel, on the basis of the affidavit of DSP, Counter Intelligence, Amritsar on verification of the facts has not disputed the recovery effected from the co-accused Jasbir Singh i.e. 300 grams of heroine. With regard to the petitioner, it is stated that he was named in the secret information that he was coming with heroine and upon search 870 grams of heroine was recovered underneath the driver's seat along with one pistol of 7.62 mm and five live cartridges. It is also stated that on the disclosure of the petitioner, the other two accused, who have been granted bail were also nominated. It is further stated that there are total 25 witnesses and four have been examined as on the date of filing of the affidavit.

Learned State counsel further submits that as on today, 07 prosecution witnesses have been examined and the petitioner is in custody for the last 02 years, 10 months and 17 days and he is involved in other cases.

After hearing learned counsel for the parties and considering the fact that though the co-accused of the petitioner have already been granted the concession of regular bail by this Court as well as by the Hon'ble Supreme Court, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

March 10, 2022
satish

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No