

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50133 of 2021(O&M)

Date of decision: 10.02.2022

Gursahib Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. D.S. Pheruman, Advocate
for the petitioner.
Mr. Rehat Bir Singh Mann, DAG, Punjab.

HARINDER SINGH SIDHU, J.

Prayer is for grant of regular bail in case FIR No.105 dated 08.07.2021 under Sections 21(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act registered at P.S Sadar, Tarn Taran, District Tarn Taran.

As per allegations, on 08.07.2021, SI Satnam Singh along with ASI Narinder Pal Singh, ASI Kartar Singh and other members of the police party were on patrolling. A secret information was received that Gursahib Singh @ Sabha (petitioner) and co-accused Bhupinder Singh who had their residential house in the field were engaged in selling of Heroin on a large scale. They were going to their house on a motorcycle. If raid is conducted at their farm house, they could be apprehended along with Heroin. On receipt of this information, a Police party started for the farm house. When they reached near the farm house, they saw two persons trying to escape on a motorcycle. They were apprehended. The petitioner was the rider and his co-accused Bhupender was the pillion

rider. Both of them were informed of their legal right to be searched by a Magistrate or a gazetted officer. Thereafter, DSP Ramandeep Singh Bhuller reached the spot. He disclosed his identity and informed them of their right to be searched by a gazetted officer or a Magistrate. After obtaining their consent memo, search was conducted in his presence and 315 grams of heroin was recovered from the polythene bag which co-accused Bhupinder Singh was holding in his right hand. Motorcycle bearing Reg.No.PB-01-EB-2956 which the accused were riding was also taken into possession.

Mr. Pheruman Ld. counsel for the petitioner has argued that the allegations are totally false. In fact, Sonia, the wife of co-accused Bhupender Singh had submitted an application before the Deputy Commissioner of Police, Tarn Tarn at 3.20 PM on 08.07.2021, wherein, she had stated that Bhupender Singh had been arrested by the police officials on the previous day and had been taken away to an undisclosed place. She had also visited the office of CIA Staff but was abused by the police officials and the whereabouts of her husband were not disclosed to her. No action was taken on her complaint which was forwarded to police station Tarn Tarn only on 19.07.2021.

Mr.Rehat Bir Singh Mann, Ld. D. A. G. Punjab contended that no such application was submitted. An application by Sonia was received in the office of SP, Tarn Tarn on 19.07.2021 much after the arrest of the petitioner and the recovery of the contraband.

This plea was also raised before the Ld. Judge, Special Court, Tarn Tarn and was found to be without merit. The Ld. Special Judge had recorded that perusal of the application reflected that it was received

in the office of S.P. on 16.07.2021. There was no postal receipt to suggest that it had been posted on the day and time, as argued on behalf of the petitioner. Hence, this plea cannot be accepted.

The recovery is of commercial quantity. The search was conducted in the presence of a gazetted officer and recovery effected. The first bail application CRM-M-38479-2021 filed by the petitioner had been dismissed vide order dated 12.10.2021. There is no change of circumstance.

No ground is made out for grant of bail to the petitioner, at this stage.

Petition dismissed.

February 10, 2022
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(HARINDER SINGH SIDHU)
JUDGE