

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

CRM-M-46093 of 2022 (O&M)

DECIDED ON: 14th October, 2022

Hira Singh @ Heera Singh

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. P.B.S. Goraya, Advocate for petitioner.

Mr. M.S. Bajwa, DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

Petitioner is seeking regular bail in case of FIR No.62 dated 30.6.2022, under Sections 18 of NDPS Act, 29/59 NDPS Act, (added lateron), 213, 214, 120-B, 201 IPC and U/s 7, 7(a), 8(1) P.C. Act, 1988, registered at Police Station Bhikiwind, District Tarn Taran.

As per the case set up police party on 30.6.2022 apprehended Surjit Singh and 900 grams of Opium was recovered. On the disclosure of Surjit Singh, Pishora Singh was nominated. The allegations are that Pishora Singh offered bribe to Binderjit Singh Inspector for removing his name from the FIR. At the instance of Pishora Singh, 250 grams of Opium and Rs.1,00,000/- were recovered. Further at his instance Rs.9,97,000/- were recovered from the house of Hira Singh (petitioner). Secret informer informed that DSP Lakhvir Singh posted at Faridkot was helping the accused. The role attributed to the petitioner is that he in connivance with the police official accepted money for the police official for helping Pishora Singh in the police case. Rs.9,97,000/- were recovered from the house of petitioner.

Learned counsel for the petitioner submits that the petitioner's name surfaced in the disclosure statement of Pishora Singh. He is in custody since 7th July 2022. It is further argued that the money was recovered in the absence of petitioner. Petitioner had received money in pursuant to an agreement to sell 8 kanal land. The contention is that investigation is complete, no recovery is to be made and petitioner is not involved in any other case.

Learned State counsel opposes the prayer and submits that the petitioner in connivance with police official accepted Rs. 10,00,000/- as illegal gratification and the amount was recovered from his house.

Without commenting upon the merits of the case, considering that the name of petitioner surfaced in a disclosure statement, no contraband was recovered from him, *prima-facie* he has put forth an explanation for the source of money, no recovery is to be made, he has no criminal antecedents, though investigation is complete trial is likely to take time, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

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

Since the main case has been decided, the pending application, if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

14th October, 2022
reema

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