

**203 IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH**

**CRM M-48219-2019 (O&M)**

**Date of Decision: 30.11.2022**

Satbir Singh @ Shanti

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. K.S. Sandhu, Advocate,  
for the petitioner.

Ms. Lavanya Paul, DAG, Punjab.

**MAHABIR SINGH SINDHU. J.**

Petition under Section 439 of the Code of Criminal Procedure (for short "Cr.P.C") for seeking regular bail, pending trial to the petitioner in FIR No.71 dated 03.04.2018, under Section 22 of Narcotic Drugs & Psychotropic Substances Act, 1985 (for short "the Act") registered at Police Station Dugri, District Police Commissionerate Ludhiana.

2. The above mentioned FIR was registered on the basis of *ruqa* sent by SI Jaspal Singh with the allegations that he along with police party had put-up barricades near Lalli Motor Garage, Nirmal Nagar, Gill Canal, Ludhiana. A white colour car was seen coming from the side of Gill Canal which was signalled to stop. On this account, the driver turned the car back to which Sub-Inspector Jaspal Singh apprehended the occupants of car with the help of other Police personnel. The driver disclosed his name as Satvir Singh @ Shetty; whereas, conductor, as Harjit Singh @ Honey. Upon conducting search, polythene of black colour was recovered containing Heroin, weighing 300 grams. A representative sample was drawn and the remaining was taken into

police possession *vide* separate memos. A *ruqa* was sent and the present FIR was registered against both the accused.

3. This Court, on 15.02.2021, while granting interim bail to the petitioner, passed following order:-

*“Contends that petitioner is in custody since 03.04.2018 and there is no progress in the trial.*

*Learned State counsel seeks time to verify the above fact.*

*Posted on 08.04.2021.*

*Let the petitioner be released on interim bail, till the next date of hearing, on his furnishing bail bond and surety bond to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”*

4. Learned counsel, on instructions from petitioner submits that he has been falsely implicated in the present case as the recovery memo contains the number of FIR along with Sections of NDPS Act which suggest that the same was registered prior in time; whereas, the recovery was effected later on. Also contends that antecedents of petitioner are very clean as he is not involved in any other case. Further contended that petitioner is regularly appearing before learned trial Court, but there is no progress at all. Again contended that there is no apprehension or allegation that he would tamper with the evidence or influence the witnesses, in case, petitioner is granted bail on regular basis.

5. Learned State counsel was not able to dispute the contentions raised by learned counsel for the petitioner; rather he acknowledged that petitioner is regularly appearing and fully cooperating with the learned trial Court.

6. In view of the above, there is no hesitation to record twin-test satisfaction in terms of Section 37 of the NDPS Act to the following effect:-

(i) As noticed in para 4, *prima-facie*, the recovery of contraband is suspicious; thus, it can be termed as a reasonable ground for believing that

petitioner is not guilty of offence at this stage; (ii) he was granted interim bail and has not misused the concession thereof; thus not likely to commit any offence in case released on regular bail.

7. In such a situation, sending the petitioner to judicial custody at this stage would not serve any purpose. Consequently, the present petition is allowed and interim bail granted vide order dated 15.02.2021, is made absolute. Petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

9. The observations made above are only for the limited purpose of deciding present bail application and be not construed as an expression of opinion on the merits of the case in any manner.

10. It is clarified that in case there is misuse of concession by the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

11. Pending criminal misc. application(s), if any, shall also stand disposed off.

30.11.2022  
SN

(MAHABIR SINGH SINDHU)  
JUDGE

**Whether speaking/reasoned : Yes/No**  
**Whether Reportable: Yes/No**