

219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22312-2023

1. Bhagwan Singh @ Bhaga

...Petitioner

Versus

State of Punjab

...Respondent

CRM-M-11163-2023

2. Pardeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CRM-M-11608-2023

3. Harpeet Singh @ Peetu

...Petitioner

Versus

State of Punjab

...Respondent

Date of decision : 15.05.2023

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. D.S. Gandhi, Advocate and
Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner(s).

Mr. Karunesh Kaushal, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

This order will dispose of abovesaid three petitions as they
have arisen out of same FIR.

Petitioners have approached this Court by way of present
petition praying for grant of regular bail in case FIR No.259 dated
25.10.2022, under Section 21/23 of NDPS Act, 1985 and Sections 10, 11, 12
of Aircraft Act, 1934 and Sections 25, 27-A, 29 of NDPS Act, 1985 added
subsequently, registered at Police Station Chheharta, District Police

Commissionerate, Amritsar.

As per the facts of case, the police party received a secret information to the effect that Varinder Singh son of Gurbhej Singh, Manpreet Singh @ Mann son of Santokh Singh and Davinder Singh son of Kuldeep Singh are involved in smuggling heroin through drone from Pakistan. It was further informed that they were going in Swift Car No.PB30-D-8277 with heavy quantity of heroin and drone. It was informed that if naqa was laid, the heroin and drone could be recovered from them. On the basis of secret information, the FIR was registered for the offence under Section 21/23/61/85 of NDPS Act and Sections 10, 11, 12 of Aircraft Act, 1934. *Ruqa* was sent and the police party laid naqa and thereafter, all the three accused namely, Varinder Singh, Manpreet Singh @ Mann and Davinder Singh were arrested. On their search, the police party recovered 25 grams of heroin from Varinder Singh, 05 grams of heroin from accused Davinder Singh and no recovery was made from accused Manpreet Singh @ Mann. All the three accused were arrested on the spot as they failed to show any licence for keeping the contraband with them and hence, all the three accused were taken into custody and the investigation commenced. During investigation, accused Varinder Singh made a disclosure statement that he had purchased this contraband from Bhagwan Singh @ Bhaga and Harpreet Singh @ Peetu and further Bhagwan Singh @ Bhaga has made disclosure statement that he had purchased heroin from Pardeep Kumar. On the basis of same, all the three petitioners were also nominated in this case. The raid was conducted on the house of the petitioners and from Bhagwan Singh @ Bhaga and Harpreet Singh @ Peetu, the police party recovered Rs.51,03,100/-. So far accused Pardeep singh is concerned, no recovery was effected from him. Thereafter, accused Harpreet Singh @ Peetu and

Bhagwan Singh were arrested on 04.12.2022 whereas, accused Pardeep Singh was arrested on 19.12.2022. Petitioners approached learned Judge, Special Court Amritsar praying for grant of bail. However after hearing counsel for both the sides, learned Judge, Special Court declined the same vide orders dated 17.03.2023, 10.01.2023 and 06.02.2023 respectively. Aggrieved by the same, petitioners have approached this Court praying for grant of regular bail.

Learned counsel for the petitioners has contended that the petitioners have been falsely and frivolously implicated in this case. He has submitted that the petitioners were neither named in the FIR nor there was any recovery effected from them. It is submitted that the case of the prosecution is based on secret information and the petitioners were not even named in the secret information. It is submitted that the petitioners have been nominated on the basis of disclosure statement which is not even an admissible evidence as per the Evidence Act. He submits that the investigating agencies has shown the recovery for an amount of Rs.51,03,100/- and the same has been given a colour of drug money without there being any evidence. He submits that the co-accused who were arrested on spot and from whom the recovery was also effected have already been enlarged on bail by the Court. It is submitted that only Bhagwan Singh has been shown to be involved in other two cases whereas, rest of the two accused have no criminal antecedents and thus, they deserves to be granted bail.

Learned State counsel, however, has opposed the submissions made by counsel for the petitioners. He has submitted that though the petitioners were not named in the FIR, however, the co-accused made a disclosure statement about their involvement and in the raid of their house,

recovery of Rs.51,03,100/- was effected which was a drug money. It is submitted that the investigation is already complete and the charges are yet to be framed. He candidly submits that the co-accused have been granted bail.

I have heard counsel for the parties and perused the record.

The case of the prosecution was registered on the statement of secret informer. Recovery of Rs.51,03,100/- was effected from the accused. The name of the petitioners was surfaced on the basis of disclosure statement of co-accused. Co-accused have already been granted bail. As submitted by learned State counsel, investigation is already complete and the charges are yet to be framed. The trial of the case will take sufficiently long time.

The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail. Accordingly, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

15.05.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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