

2023:PHHC:051967

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No. 108+210

CRM-8098-2023 in/and
CRM-M-30271-2021

Date of Decision:-13.04.2023

GAGANDEEP SINGH @ GAGAN

... Petitioner

Versus

STATE OF PUNJAB

.. Respondent

-. -

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

-. -

Present:- Mr. J.S. Moudgill, Advocate for the petitioner.

SANDEEP MOUDGIL, J. (Oral)

CRM-8098-2023

This is an application for placing on record Annexure A-1 to A-10 and further exempting the petitioner from filing the certified copies of the same.

For the reasons mentioned in the application, the same is allowed subject to all just exceptions.

The Annexures A-1 to A-10 are ordered to be taken on record.

Registry is directed to tag the same at appropriate place of the paper book.

CRM-M-30271-2021

Today during the course instant petition under Section 439 Cr.P.C has been moved seeking regular bail in FIR No.61 dated 05.05.2021 under Sections 22, 29 of NDPS Act, 1985, Police Station Shambu, District Patiala (Annexure P-1).

Counsel for the petitioner contends that the recovery alleged to have been made is admittedly heavy and does not deny the fact that 60,000 tablets and 350 vials of cough syrup were recovered from

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the dickey of the car which was being driven by the petitioner. The attention of this Court has been drawn to the Recovery Memo dated 05.05.2021 which shows that intoxicants tablets and vials lying in two bags were in the dickey of the car which have been recovered and the petitioner immediately informed in his disclosure statement (Annexure P-5) dated 05.05.2021 that the said bags were given by Mr. Vikramjit Singh, owner of S.S. Tour and Travels resident of Delhi for supplying the same to Inderpal Singh son of Avtar Singh resident of House No.72, Preet Basti, Patiala. The petitioner also provided the mobile number of Inderpal Singh i.e. 9988452182. The counsel for the petitioner relies upon the said document and the contents thereof and has argued that he has been falsely implicated as he had no knowledge with regard to the said contraband being carried in the dickey of the car. He only collected the luggage which was to be transported to Patiala which was meant for Inderpal Singh co-accused in the FIR who was also arrayed in the instant FIR on the basis of such disclosure statement. He has also asserted that Vikramjit Singh was not arrayed as accused in the FIR despite specific disclosure by the petitioner that he was the one who delivered the bag to the petitioner and asked the petitioner to supply the bag to Inderpal Singh and said Inderpal Singh will pay Rs. 3500 to the petitioner on receipt of the bag from him and the said charges were for the livelihood of the petitioner.

Notice of motion.

On the asking of the Court, Mr. Mohit Chaudhary, AAG,

Punjab who is present in Court, accepts notice on behalf of the

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respondent-State who as produced the custody certificate which is taken on record.

Counsel for the State also vehemently submits that the recovery is of heavy quantity and was recovered from the dickey of the car as has been narrated in the FIR and the car belongs to the petitioner, therefore, he is not entitled to concession of regular bail at this stage.

This Court has perused the custody certificate which shows that the custody so far suffered by the petitioner is 01 years 11 months and 08 days and is not required in any other such NDPS case which also testifies that he is not an habitual offender. This Court cannot loose sight of the fact that the petitioner while making disclosure statement dated 05.05.2021 (Annexure P-5) very fairly disclosed the name of persons on whose behalf he was carrying the two bags i.e. Vikramjit Singh of M/s S.S. Tour & Travels to be delivered at Patiala to Inderpal Singh whose mobile number was given to the police authorities. It is pertinent to see on the role of investigating agency that they have though arrayed the present petitioner as accused and put him behind bars for atleast two years but no efforts so far has been made to name inquire and investigate Vikramjit Singh who has actualy delivered the said bags to the petitioner, as per disclosure statement on record which is not denied by the state so far. The trial is likely to take time and the petitioner is not a habitual offender and alleges his false implication in the case which cannot be termed to be knowingly and deliberately dealing with intoxicants, therefore, petitioner is directed to be released on regular bail

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on his furnishing bail and surety bonds to the satisfaction of the Chief
Judicial Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

However, it is made clear that anything stated hereinabove shall
not be construed as an expression of opinion on the merits of the case.

13.04.2023
yogesh

(SANDEEP MOUDGIL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No