

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

203

CRM-M-28469-2022 (O&M)

Date of Decision: 25.05.2023

SAMEER WADHERA

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM : HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. S.S. Sarwara, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J.(ORAL)

1. The instant petition under Section 438 Cr.P.C was preferred seeking anticipatory bail in case FIR No.91 dated 26.08.2020, under Sections 21 and 22 of NDPS, Act 1985 at Police Station Balongi, District SAS Nagar Mohali, which reads as under:-

“Copy Statement, "Statement ASI Rakesh Kumar 200/SAS Nagar CIA Staff Mohali Camp at Kharar District SAS Nagar (98765-16326) Statement that I am on duty as CIA Staff Investigating Officer at Mohali Today I am with you along with ASI Gurpartap Singh 631, C2 Gurdeep Singh 1367, C2 Harbhal Singh 1521, CT Omprakash 1131, CT Karanveer Singh 2278, LICT Reena Rani 1820 on private vehicles for the checking of bad aliments was present at VR Punjab Mall in the circle of Police Station Blogi then you, and CT Karanveer Singh 2278, C2 Gurdeep Singh 1367, L/C Reena Rani 1820 were send for Checking on Airport Road TDI City Road Side and establishing Nakka The police party

was checking the oncoming vehicles by blocking the road a little further traffic lights of TDI City then the time would be around 12:30 PM then a vehicle number PB- 01B-2124 brand Honda Amaze white color came from Kharar side which ASI signaled to stop with his hand then the driver of the car on seeing the police party immediately panicked and attempted to drove the car away from the check post. that the vehicle went out of control and crashed into the iron girder on the road divider. The ASI with the help of his colleagues apprehended him and asked for his name and address. The driver of the vehicle told his name as Gurpreet Singh son of Shivram Singh resident of village Niamatpur police station Shambhu. district Patiala, the youth sitting in the adjoining seat gave his name as Sameer Wadera son of late Mr. Vinod Kumar Wadera resident # 9150 New Swaraj Nagar Kharar and the girl sitting in the back seat gave her name as Meenakshi alias Nindy daughter Kailash Chand resident of village Khushkandi Police Station Roru District Shimla presently residing # 302, Floor No. 4, Savitri Heights VIP Road Zirakpur District SAS Nagar. The ASI then conducted a cursory search of the vehicle and found a blank space in front of the gearbox of the vehicle but a waxy paper envelope was found with the mouth open and drugs were found in it When asked about this, both the young man and the girl could not give a satisfactory answer then I called from my mobile phone 98765-16326 to your mobile phone number 94780-31758 and informed to reach the spot then you along with the police party reached there. The vehicle numbers including the two youths and the girl who were present in the private vehicle

have been submitted to you. Legal action should be taken against them. I have recorded my statement to you, read over, and it is correct. Rakesh Kumar ASI verified by Naib Singh S. CIA Staff District SAS Nagar Date 26-08-2020 Action Police:

-Today SI. Along with ASI Rakesh Kumar 200/ SAS, ASI Gurpartap Singh 631, C2 Gurdeep Singh 1367, C2 Harbhal Singh 1521, CT Omprakash 1131, CT Karanveer Singh 2278 L / CT Reena Rani 1820 / SAS Nagar along with their laptops and printers on Private vehicle rides were present for patrols, checks, raids for bad aliments at VR Punjab Mall Police Station Blogi was then 2 parties were formed to check the suspect. ASI Rakesh Kumar 200 including C2 Gurdeep Singh 1367, CT Karanveer Singh 2278, LICT Reena Rani 1820 were sent to Airport Road TDI City for Checking Suspect then at around 12:45 PM a telephone call was made by ASI Rakesh Kumar. When I SI. Including ASI Gurpartap Singh 631, C2 Harbhal Singh 1521, CT Omprakash 1131 a little further from traffic light TDI city when reached the spot where ASI Rakesh Kumar surrendered before me two young men and a girl with vehicle number PB-01B-2124 brand Honda Amaze color white. The driver gave his name as Gurpreet Singh, son of Shivram Singh, resident of village Niamatpur, police station Shambhu, district Patiala and the youth sitting in the adjoining seat gave his name as Sameer Wadera, son of Late Sri Vinod Kumar Wadera resident # 9150 New Swaraj Nagar Kharar and the girl sitting in the back seat gave her name as Meenakshi alias Nindy daughter Kailash Chand resident village Khushkandi Police Station Roru District Shimla Hall # 302, Floor No. 4, Savitri Heights VIP Road Zirakpur

District SA. S Nagar. then I recorded ASI Rakesh Kumar's statement, on which ASI Rakesh Kumar confirmed his signature and I SI verified. Then SI satisfied myself and found intoxicating powder in waxy envelopes which was laying in a vacant place near the gear box. It was found that the waxy envelope weighed the drug powder on a computer thorn and the envelope weighed 60 grams. A bundle of waxy envelopes was prepared by putting it in a plastic box which I SI sealed with my maked NS and sample seal was prepared and after using the seal, it was handed over to the ASI Gurpartap Singh 631 then sealed bundle of drug powder alongwith vehicle number PB-01B - 2124, brand Honda Amaze, color white, was seized by the police as evidence, and the same was signed by witnesses. Offenses under NDPS Act 21/22-61-85 have been committed by accused for possession of narcotic powder in possession..I am sending CT Omprakash 1131 to Blogi police station to register the case against Gurpreet Singh, Sameer Vadera, Meenakshi alias Nindy. The case file should be registered and the number file should be made known. I am busy in the investigation with my colleagues. Boundary: - TDI City, Airport Road Boundary Police Station a little further from the traffic light. Time: 2:10 PM Sd/- Naib Singh CIA. Staff District SAS Nagar dated 26-08-2020 which was received and the case was registered against above said accused for offense and incharge control room has been informed through telephone. Completion Reading completed. Copies of FIR's as Special Reporter by hand of Sepoy Dilbag Singh No. 2216 / SAS Nagar is sent in the service of near Area Magistrate and Higher Officials. The original statement

including the miscellaneous lawsuit is sent by hand CJ Om Prakash 1131 to SI Naib Singh. MHC police station was instructed to complete the record. Certified to be true Translated Relevant Extract”

Having heard learned counsel for the petitioner as well as counsel for the State of Punjab, who on instructions from SI Sarbjit Singh submits that vide order dated 07.07.2022, the petitioner was directed to surrender before the trial Court within a period of 10 days as he was a bail jumper. It was further directed that no coercive steps shall be taken against the petitioner till the time he surrenders before the trial Court and in case any such application is filed for bail, it was directed that same be heard and decided expeditiously preferably within a period of 03 days.

In pursuance to the said order, learned counsel for the petitioner has produced an order dated 18.08.2022 passed by JSC/SAS Nagar, submitting that petitioner has surrendered in compliance of order dated 07.07.2022 passed by this Court and on filing an application for regular bail, he has been granted the concession of bail and is appearing regularly, wherein, the trial proceedings is fixed for PWs and there is no default at his end.

A copy of the order is taken on record as Mark “A”.

In light of the above, the present petition is disposed of making the interim order dated 07.07.2022 as absolute.

(SANDEEP MOUDGIL)
JUDGE

25.05.2023

Amandeep

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