

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.33916 of 2022
Date of decision: 14th July, 2023

Rajbir Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Amit Rana, Sr. Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.95, dated 18.7.2021 registered at Police Station Sadar Patti, Tarn Taran, under Sections 21(C), 29 and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Vide order dated 03.08.2022, the petitioner had been granted concession of interim bail in the following terms:-

“The FIR was lodged pursuant to receipt of secret information against Naresh and Rahul @ Mani to the effect that they were proceeding to Ferozepur in i20 car while carrying ‘heroin’. Pursuant to receipt of said information, barricading was held and the police intercepted i20 car bearing registration No.PB-02-DE-3384 and Naresh as well as Rahul @ Mani were apprehended. A search of the car led to recovery of 5.2 kilograms of ‘heroin’. It is further

the case of prosecution that during the course of interrogation of aforesaid Naresh and Rahul @ Mani, it was disclosed by them that Tarun Sareen @ Tanu and Parveen Kumar @ Rahul had asked them to deliver the said 'heroin' to some unknown person near Ferozepur Bus Stand. It is further the case of prosecution that accused Naresh further stated that he had borrowed the car bearing registration No.PB-02-DE-3384 from his friend Rajbir Singh (petitioner).

Learned counsel for the petitioner has drawn the attention of this Court to GDR No.018, dated 19.7.2021 (Annexure P-2), wherein the said disclosure statements are specifically recorded and there is no reference, in any manner, as to whether the petitioner was also conniving with them in any manner and it is only Tarun Sareen @ Tanu and Parveen Kumar @ Rahul, who are stated to be involved in drug trafficking."

3. Learned counsel for the petitioner submits that in compliance of the order dated 03.08.2022, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from ASI Ranjit Singh, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. On a pointed query put to the learned State counsel, he on instructions has not disputed that the petitioner was not named in the

secret information, which was received qua the co-accused, from whom the alleged recovery of Heroin was effected. On a further query, learned State counsel has also not disputed that the petitioner is not involved in any other criminal case, much less under the NDPS Act. He submits that the car, from which the alleged recovery was effected, belonged to the petitioner and had been borrowed by the co-accused Naresh, who was nabbed at the spot along with the recovered contraband.

6. In the circumstances, the petition is allowed and the interim order dated 03.08.2022 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

July 14, 2023
rps

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