

**211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M No. 43106 of 2023 (O&M)
Date of decision : 12.09.2023**

Ranjit Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Ms. Harpreet Maini, Advocate for the petitioner.

Mr. Amit Shukla, Asst. A.G., Punjab.

PANKAJ JAIN, J. (ORAL)

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.154 dated 22.09.2022 registered under Sections 21/25/29 of NDPS Act at Police Station City Jalalabad, District Fazilka.

2 As per the case of the prosecution *ruqa* was received on the basis of secret information and FIR was registered on the basis thereof which reads as under :-

“ informant gave the information to me INSP/SHO that Gurnam Singh son of Mangal Singh son of Karan Singh resident of Jhugo Kishor Singh Wale, Police Station Mamdot, Raj Singh alias Raju son of Dyal Singh resident of Dhanni Bachar. Singh Dakhli Chakk Khiwa and Gurwinder Singh alias Ginda son of Jeet Singh resident of Dhanni, Bachan Singh Dakhlic Chakk, Khiwa are riding on one motor cycle Bajaj CT-100, which are holding the talks with the persons residents of Pakistan and are inviting Heroine at very huge level and other more anti country material from Pakistan and they are selling it in the various villages and in the City Jalalabad to the customers and that now also, they have invited the Heroine in very huge quantity from Pakistan through India- Pakistan Border, across from the fencing wire and has sold to the unknown persons riding in the vehicle Innova Car bearing Number HR-22-Q- 4037. If the barricading may be installed at FF Road and then the Heroine in the very

huge quantity and the cash currency can be recovered from them.”

3 Custody certificate has been filed. The same is taken on record.

4 It is claimed that on the basis of information FIR was registered. Gurnam Singh was arrested by the police party riding motor cycle with currency notes worth Rs.52,74,700/- which is stated to be drug money. In his disclosure statement he claimed that 23 packets of heroin were obtained by accused Gurwinder Singh @ Ginda, Gurdeep Singh, Raj Singh @ Raju through cross border transit from Pakistan and the said 22 packets were got loaded in Car Innova bearing RC No.HR-22Q-4037. One packet was handed over to Gurdeep Singh and his wife Mamta Rani, the sister of Gurnam Singh. On the disclosure made by Mamta Rani, 1 kg 65 grams of heroin was recovered concealed in the fields belonging to Gurdeep Singh. The link of the petitioner to the offence is that the said Innova car belongs to the petitioner who was confined in custody in two other matters at Central Jail, Faridkot.

5 Learned counsel for the petitioner submits that keeping in view the fact that the admitted case of the prosecution is that on the fateful day the petitioner was confined in Central Jail, Faridkot, thus it is highly improbable that the petitioner was party to the alleged offence. The petitioner is behind bars since 26.09.2022 in the present case and has suffered incarceration for more than 11 months & 16 days. She further submits that so far as the other cases pending against the petitioner are concerned, the petitioner already stands admitted to bail in FIR No.08/2022, No.06/2022 and FIR No.09/2018. So far as FIR No.87 dated 18.05.2017 is concerned, the petitioner is already before this Court praying for grant of bail and the matter involves non-commercial quantity.

6 Learned State counsel does not dispute that the only link of the petitioner to the present case is ownership of the car which is stated to be involved in the present case on the basis of disclosure made by Grunam Singh. Investigation is complete. Challan already stands presented.

7 I have heard learned counsel for the parties and have gone through the records of the case.

8 Without commenting on the merits of the case and considering the incarceration suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

- (i) The petitioner shall not mis-use the liberty granted.*
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.*
- (iii) The petitioner shall not absent himself on any date before the trial.*
- (iv) The petitioner shall not commit any offence similar to the one alleged in the present case.*
- (v) The petitioner shall deposit his passport, if any with the trial Court.*
- (vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.*
- (vii) The petitioner shall not in any manner try to delay the trial.*

9 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

12.09.2023

Pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

Yes
No