

206-a IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:157075
CRM-M-47196-2022 (O&M)
Date of Decision: December 08, 2023

Jaspal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Parneet Singh Pandher, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

CRM-51469-2023

This is an application under Section 482 Cr.P.c. to place on record the copy of recovery memos dated 28.10.2021 as Annexure P-8 to P-10.

Advance copies thereof have been supplied to the counsel for the respondent-State, who has no objection to allow the application.

Allowed.

Annexures P-8 to P-10 are taken on record.

Main Case

By way of this petition filed under Section 439 Cr.P.C., prayer is made for grant of regular bail in case FIR No.22 dated 28.10.2021, under Sections 18, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act'), besides Section 25 of the Arms Act, 1959, added later on, registered at Police Station State Special Operation Cell, District Amritsar.

2. Attention is drawn by learned counsel for the petitioner to the effect that as per allegations of the prosecution, 7 Kg. of opium was

initially recovered from co-accused Ranjit Singh, Jobandeep Singh and Sukhjinder Singh. On the basis of disclosure statement made by them, an amount of ₹1,10,000/- is stated to have been recovered as drug money from the petitioner. The disclosure statements of Ranjit Singh and Jobandeep Singh led to further recovery of 5 Kg. of opium from the house of Ranjit Singh and another 5 Kg. of opium from another flat of Ranjit Singh. Thus, total recovery is 17 Kg. of opium, but none of these recoveries have been effected from the petitioner.

3. Learned State counsel concedes the position that no recovery has been effected from the petitioner Jaspal Singh nor any recovery has been effected at his instance. However, learned State counsel has opposed the bail petition by pointing out the criminal antecedents of the petitioner, inasmuch as he is stated to be involved in three more cases pertaining to NDPS Act, as per details given in the custody certificate.

4. Heard.

5. Custody certificate reveals that the petitioner is in custody for the last 02 years, 01 month and 10 days. He is stated to be involved in three other cases.

6. No doubt, involvement of petitioner is also shown in three more cases pertaining to NDPS Act, but it is the conceded position of the State that no recovery has been effected from the petitioner in the present case. The only attribution to the petitioner as per the disclosure statement of co-accused is that he knew about the contraband lying in the house of co-accused Ranjit Singh.

7. Having regard to the aforesaid facts and circumstances; the custody period of the petitioner and the role attributed to him, but without commenting further on the merits of the case, he is admitted to bail. He is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned.

Allowed.

December 08, 2023

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(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No