

In The High Court for the States of Punjab and Haryana
At Chandigarh

- (I)

CRM-M-52767-2021 (O&M)
Date of Decision:- 21.03.2023
- Arpinderjit Singh

... Petitioner
- Versus
- State of Punjab

... Respondent
- (II)

CRM-M-5057-2022 (O&M)
- Arashdeep Singh

... Petitioner
- Versus
- State of Punjab

... Respondent
- (III)

CRM-M-45375-2022 (O&M)
- Jaspal Singh

... Petitioner
- Versus
- State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vipul Jindal, Advocate,
for the petitioner in CRM-M-52767-2021.

Mr. R.S.Rai, Senior Advocate with
Mr. Gautam Dutt, Advocate,
for the petitioner in CRM-M-5057-2022.

Mr. Ruhani Chadha, Advocate,
for the petitioner in CRM-M-45375-2022.

Mr. Luvinder Sofat, DAG, Punjab
assisted by ASI Gurbhej Singh.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned three petitions wherein petitioners Arpinderjit Singh, Arashdeep Singh and Jaspal Singh, seek grant of regular bail in a case registered vide FIR No.266 dated 07.11.2021, registered at Police Station City Tarn Taran, District Tarn Taran, under Sections 18, 29, 59 of NDPS Act.
2. The facts, briefly are that initially one FIR i.e. FIR No.22 dated 28.10.2021, Police Station State Special Operation Cell, Amritsar, under Sections 18/25/29 of NDPS Act, Section 25 of Arms Act, was registered wherein it was alleged that Ranjit Singh, Sukhwinder Singh and Jobandeep Singh had been intercepted by the police and were found in possession of 7.5 kgs of 'Opium'. Subsequently, pursuant to disclosure statement made by Ranjit Singh and Sukhwinder Singh, another person namely Jaspal Singh also came to be nominated as an accused.
3. It is the case of prosecution that on 05.11.2021, Ranjit Singh and Jaspal Singh disclosed that they had previously also been apprehended by the police on 20.8.2021 while they were carrying 'Opium' weighing 20/21 kgs, but were let off by police officials namely C. Arpinderjit Singh, C. Arshdeep Singh, HC Sukhwinder Singh and HC Malkeet Singh, after accepting an amount of Rs.40 lakhs as bribe from the aforesaid Ranjit Singh and Jaspal Singh. It is

also alleged that aforesaid 4 police officials also took away the contraband i.e. 'Opium' weighing 20/21 kgs.

4. It was pursuant to the aforesaid statements made by Ranjit Singh and Jaspal Singh that the instant FIR came to be lodged against the four police officials and Jaspal Singh and Ranjit Singh.
5. Learned counsel for the petitioners have submitted that they have falsely been implicated solely on the basis of the alleged disclosure statements made by Ranjit Singh and Jaspal Singh, whereas there is no other corroborative evidence against them to substantiate the allegations and that neither any recovery of contraband was ever effected from them and nor any amount as is alleged to have been given by Ranjit Singh and Jaspal Singh, was recovered.
6. Opposing the petitions, learned State counsel has submitted that since, there is definite evidence in the shape of statements of Ranjit Singh and Jaspal Singh against the four police officials including petitioner Arpinderjit Singh and Arashdeep Singh and that during the course of investigation call details record was collected indicating that the said police officials were in touch with Jaspal Singh, the complicity of the petitioners is clearly evident, particularly having regard the fact that Arshdeep and Jaspal Singh happen to be involved previously also in other cases registered under NDPS Act. Learned State counsel has however, informed that all the petitioners have been behind bars since the last about 1 year and 4 months. It has been informed that while charges have been framed, but none out of the cited 10 PWs has been

examined so far and that one of the co-accused has been declared a proclaimed offender.

- 7. This Court has considered the rival submissions.
- 8. Having regard to the facts and circumstances of the case particularly the fact that no recovery of contraband was ever effected from the petitioners and that the case against the petitioners is mainly based on the disclosure statements of Ranjit Singh and Jaspal Singh and also that the call details record by itself would not fully corroborate the allegations against the petitioners, the petitioners who have been behind bars for a substantial period of 1 year and 4 months deserve to be released on bail. All the three petitions, as such, are accepted and the petitioners are ordered to be released on bail subject to their furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
- 9. It is however, clarified that none of the observations recorded above shall be taken to be an expression as regards merits of the case.
- 10. A photocopy of this order be placed on the file of each connected case.

21.03.2023
Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No