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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-46980-2023**  
**Date of decision : 29.11.2023**

BLARAJ SINGH @ BAZA

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

**CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN**

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

Mr. Jaswinder S. Arora, DAG, Punjab with  
ASI Kuldeep Singh.

**PANKAJ JAIN, J. (ORAL)**

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.106, dated 24<sup>th</sup> of September, 2022 registered for the offences punishable under Sections 21/29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') and Sections 25(6)/25(7)(i) of Arms Act, 1959 at Police Station Bhikhiwind, District Tarn Taran.

2. As per the contents of the FIR, it has been alleged as under :

“xxx Today myself SI/SHO along with ASI Lakhbir Singh No. 1600/TT, ASI Balbir Singh No. 712, S/CT Simeranjit Singh No. 129/TT, CII Jagdeep Singh 618, PHG Karaj Singh 4142, along with Laptop and printer on a official vehicle Scorpio No. PB-46-J-5370 whose driver is ASI Satnam Singh 1801 in relation to the patrolling and in search of bad elements were

present on bridge drain of Pahuwind then informer gave me information that that Harjinder Singh @ Thorhi Son of Partap Singh Resident of Pati Papra Di Waan Tara Singh Police Station Khalra, Jora Singh Son of Baz Singh Resident of Waan Tara Singh Pati Gharkeya Di, Gurlal Singh Son of Karaj Singh Resident of Waan Tara Singh Pati Jamania Ki, had formed a gang with Balraj Singh @ Baldev Singh Son of Balbir Singh Resident of Rajoke Police Station Khalra who is lodged in Faridkot Central Jail and Bikramjit Singh @ Gora Resident of Kakkar Manj Police Station Lopoke along-with other persons and with the help of these people through mobile phone through internet after having conversation with the smugglers of Pakistan used to smuggle Arms and Ammunition, Heroin from Pakistan through drone system and distribute the same to the other smugglers in different districts by using cars, motorcycles and if interrogated hen arms, ammunition and Heroin can be recovered. Due to the information seems to be solid, concrete and tangible, HarzinderSingh @ Thori, Jora Singh Balraj Singh all residents of Waan Tara Singh, and Balraj Singh @ Baldev Singh confined in Jail Resident of Rajoke Police Station Khalra, Bikramjit Singh Resident of Kakkar Manj Police Station Lopoke District Amritsar Rural smuggled heroin, arms and ammunition from the Pakistani Smugglers and further selling the same, the offence falls under section 21/29/61/85 NDPS Act, 25(6), 25(7)(1)/54/59 Arms Act. Therefore, after recording the Ruga, the same is sent to the Police Station for registration of the case through PHG Karaj Singh 4142. The case should be registered and the number should be made aware of the case, a special report should be issued and sent to the service of the Area Magistrate and the officers, the control room should be notified through E-mail. After discharging the informer, Myself SI/SHO along with accompanied officials is proceeding towards the house of the accused persons. Today in the area of bridge drain, Pahuwind At 5:15 PM Sd/-Charan Singh SI/SHO Police Station Bhikhiwind xxx”

3. Counsel for the petitioner submits that even if the allegations levelled in the FIR are taken to be a gospel truth the petitioner admittedly was in police custody at that point of time and thus to alleged that he was able to make internet calls to the smugglers across the border is highly unbelievable.

4. Custody Certificate of the petitioner has been filed today in Court, which is taken on record. As per the same petitioner has undergone actual custody of 8 months and 28 days. It is not a case wherein any contraband has been recovered from the petitioner or on his disclosure. Another FIR No.11, dated 23<sup>rd</sup> of February, 2021 registered for the offences punishable under Sections 21/61/85 of the NDPS Act, at Police Station Khalra, is stated to be pending trial in which the petitioner is stated to have undergone custody since 1<sup>st</sup> of March, 2021 till the date he was arrested in the present case. Challan already stands presented and charges have been framed. Witnesses are all official. Thus, there can't be any apprehension that the petitioner shall tamper with the evidence.

5. In view of above, without commenting on the merits of the case, keeping in view the incarceration suffered by the petitioner and the nature of allegations levelled against him, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

6. 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 while on bail.
- (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 cellphone number without permission of the trial Court.
- (vii) The petitioner shall not in any manner try to delay the trial.

7. In case of breach of any of the aforesaid conditions and those which may be imposed by the Trial Court, the prosecution shall be at liberty to move cancellation of bail of the petitioner.

8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

**November 29, 2023****Dpr****(Pankaj Jain)****Judge**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No