

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

CRM-M-53964-2022

Date of Decision: 25.04.2023

Rupinderjit Singh @ Robin

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.R.S.Sekhon, Advocate for
Mr.Impinder Singh Dhaliwal, Advocate, for the petitioner.
Mr. Karunesh Kaushal, Assistant Advocate General, Punjab.

Rajesh Bhardwaj, J. (ORAL)

Learned State counsel at the outset has submitted before this Court that after registration of this FIR, offence under Section 411 IPC was also added in the FIR, which is not mentioned by the petitioner in the present petition.

Learned counsel for the petitioner has submitted before this Court that as it was not in his knowledge and hence, inadvertently the same could not be added in the present petition. He has prayed that offence under Section 411 IPC as submitted by learned State counsel be added in the petition on his request.

In view of the submission made by learned counsel for the petitioner, Section 411 IPC be also added and read alongwith other Sections mentioned in the petition.

Prayer in the present second petition is for the grant of regular bail to the petitioner in a case FIR No.14 dated 30.01.2021, registered under Sections 22, 29/61/85 of Narcotic Drugs & Psychotropic Substance Act, 1985 (Section 411 IPC added lateron), at Police Station City Dhuri, District

Sangrur.

As per facts of the case, the Police party received a secret information to the effect that Rupinderjit Singh @ Robin (petitioner) is habitual of selling the intoxicating tablets and he would go on his motorcycle for selling the same to the customers. It was informed that if nakabandi is held, Rupinderjit Singh @ Robin can be apprehended alongwith intoxicating tablets. Secret information was further to the effect that Rupinderjit Singh @ Robin is possessing intoxicating tablets, which he received from Harvinder Singh @ Hennry, who supplies the same. Finding the information reliable, the case was registered and the information was sent to the higher officials as in accordance with law. On the registration of the FIR, Naka was laid and accused Rupinderjit Singh @ Robin was apprehended by the Police party and 1260 tablets of tramadol were recovered from him. The petitioner was arrested from the spot. The samples were taken and sent for FSL. During the investigation, complicity of third accused namely, Rohit was revealed and he was also arrayed as in accused in the FIR alongwith the petitioner and Harvinder Singh @ Hennry. The petitioner approached the Court of learned Judge, Special Court, Sangrur praying for grant of bail and who after hearing both the sides declined the same vide order dated 16.04.2021. Aggrieved by the same, the petitioner on earlier occasion approached this Court praying for regular bail by way of filing CRM-M-19004-2021, however, the same was dismissed as withdrawn vide order dated 25.05.2021. Hence, the petitioner has again approached this Court praying for grant of bail by way of filing the present second petition.

It has been vehemently contended by learned counsel for the

petitioner that the petitioner has been falsely implicated in this case. He has submitted that the case of the prosecution is based on secret information, however, the provisions of Section 42 of NDPS Act are not complied with as compliance of the same is mandatory in nature. He further submits that there are two co-accused in the present FIR and both have been granted bail by this Court. He submits that the petitioner is behind bars since the date of his arrest and he has completed more than two years of incarceration. He submits that once the co-accused have already been granted bail, the petitioner deserves to be granted bail.

On the other hand, learned State counsel has opposed the submissions made by learned counsel for the petitioner and has submitted that provisions of Section 42 of NDPS Act were duly complied with. He submits that on the basis of the secret information, the present FIR was registered and Naka was laid and the petitioner was arrested on the spot with contraband, i.e. 1260 intoxicating tablets. On instructions from SI Jagsir Singh, he has submitted that both the co-accused have already been granted bail by this Court. He further submits that out of 21 prosecution witnesses, 6 witnesses already stand examined. He submits that the petitioner is facing prosecution in three other cases and he is on bail in two of them. However, he submits that the petitioner is not being prosecuted under the NDPS Act other than the present case.

Heard.

Evidently, the petitioner was arrested 30.01.2021. Recovery of 1260 intoxicating tablets was effected from him. As submitted before this Court, out of total 21 prosecution witnesses, 6 witnesses already stand examined. The co-accused are already on bail. Though the petitioner is

being prosecuted in three more case, but not under the NDPS Act. From the custody certificate produced, it is apparent that the petitioner is behind bars from the last about 02 years 03 months. The veracity of the allegations would be evaluated by the trial Court only after appreciation of complete evidence to be led by both the parties before it. This Court would refrain itself from commenting anything on the merits of the case, however, considering the prayer for grant of bail to the petitioner, I am of the view that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. The trial would take sufficiently long time for its conclusion.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate.

Nothing said herein shall be treated as an expression of opinion on the merits of the case.

25.04.2023
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No