

103+221

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

CRM-M-57228-2022 (O&M)

Date of Decision: 19.04.2023

SATYAVIR SHEKHAWAT

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. G.B.S. Dhillon, Advocate for the petitioner.

Ms. Jasleen Kaur Sidhu, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)**CRM-17101-2023**

Application is allowed, as prayed for. Annexure P-3 is taken on record.

CRM-M-57228-2022

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.76 dated 27.07.2021 registered under Sections 18/29/61 NDPS Act, 1985 at Police Station Ferozepur Cantt, District Ferozepur. The petitioner is in custody since his arrest on 28.07.2021.

The FIR was registered on the basis of a secret information and the allegations as noticed by the learned Judge, Special Court, Ferozepur in the order dated 11.10.2021 are as under:

“Present FIR has been registered against the accused/applicant and co-accused Suraj Kumar on the basis of secret information received by Investigating Officer. Further submits that the secret informer told the Investigating Officer that accused/applicant Satyavir Shekhawat is coming to Ferozepur in a trolly bearing registration No.RJ 25GA-3540,

in which new cars are loaded and that in the said trolly, huge quantity of opium is also being brought by said accused to be sold out to co-accused Suraj Kumar for further selling the said opium in the territory of Ferozepur. Further submits that in pursuance of the secret information, naka was laid and accused/applicant Satyavir Shekhawat was apprehended and 5 Kilo 100 grams of opium was recovered from the said trolly being in conscious possession of the accused/applicant.”

Learned counsel submits that as per prosecution, a secret information was received by the patrolling police party about the petitioner, who was bringing opium from some other State to deliver it to his co-accused Suraj Kumar and acting upon the said information, the search of the vehicle was conducted. He submits that the petitioner has been falsely implicated, as in the said vehicle, he was transporting eight cars manufactured by TATA Motors for delivery to consignee in the State of Jammu & Kashmir. Learned counsel has argued that according to the prosecution, the petitioner being the driver of the vehicle was only person found present, and it is not believable that such a big vehicle would be driven alone by the petitioner from Gujrat to Jammu & Kashmir. Mr. Dhillon, learned counsel has argued that the police opened the container and recovered the opium lying in a bag and no search of the cars loaded in the container was made and this shows false implication of the petitioner because if, the petitioner was actually bringing the opium, he could have easily concealed the said contraband in one of the cars. It is also pointed out that the cars were also taken in police custody, which were later on released on superdari. He prays for regular bail, as the petitioner is not involved in any other case, much less of the similar nature.

The prayer is opposed by learned State counsel assisted by ASI Tirllok Singh on the ground that the petitioner participated in the crime and was carrying commercial quantity of 5 Kgs 100 grams opium and the same

was recovered from his possession lying in the container of the big vehicle. Learned counsel submits that four prosecution witnesses have already been examined out of total fourteen witnesses, therefore, he prays that the petitioner does not deserve the concession of regular bail.

After hearing the learned counsel for the parties and considering the above background, this Court finds that the co-accused of the petitioner has already been released on regular bail vide order dated 23.11.2022. Further, though the trial has commenced, but only four prosecution witnesses have been examined by the prosecution, therefore, the further detention of the petitioner behind the bars may not be necessary, as the possibility of conclusion of trial in the near future seems to be bleak. Apart from it, the remaining witnesses are police officials and at present there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, concerned.

The petition is allowed.

19.04.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No