

(220)

2023:PHHC:089214
2023:PHHC:089219

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: July 17, 2023

1. CRM-M-41-2023 (O&M)

Shagan Lal @ Shagna @ Gurpreet Singh @ Foji ...Petitioner
Versus
State of Punjab ...Respondent

2. CRM-M-11236 of 2023 (O&M)

Pirithi Singh ...Petitioner
Versus
State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Aditya Sanghi, Advocate for the petitioner
in CRM-M-41 of 2023 (O&M).
Mr. G.S. Sandhu, Advocate for the petitioner
in CRM-M-11236 of 2023.

DEEPAK GUPTA, J.(Oral)

In both the petitions cited above, filed under Section 439 Cr.P.C., petitioners seek regular bail in case FIR No.261 dated 31.10.2022 registered under Section 15(c) of Psychotropic Substances Act, 1985 (later on added Section 29 of NDPS Act) at Police Station, Lambi District Shri Muktsar Sahib.

Allegations are that 240 kg of poppy husk was recovered from the possession of co-accused Gurjant Singh on 31.10.2022. During his interrogation, said Gurjant Singh disclosed that he had purchased the contraband from Shagan Lal alias Shagna alias Gurpreet alias Foji (petitioner in CRM-M-41 of 2023) and that the same was to be supplied to Pardeep Kumar @ Rinku, Baljeet Singh, Pirithi Singh alias Panju

(petitioner in CRM-M-11236 of 2023) and Gurmail Singh. It is further the allegations that after arresting the petitioner – Shagan Lal, ₹50,000/- as drug money was recovered from him.

It is contended on behalf of learned counsel for the petitioner – Shagan Lal that except the disclosure statement of co-accused, which is inadmissible in evidence, there is no incriminating circumstances against him. It is further contented that alleged recovery of ₹50,000/- cannot be linked with the contraband recovered from the main accused. It is further submitted that co-accused Pardeep Kumar and Baljeet Singh have already been admitted to bail by this Court vide order dated 10.03.2023, copy of which has been placed on record.

On behalf of Pirthi Singh, it is contended that his case is on complete parity with Pirthi Singh and Baljeet Singh, who have already been allowed bail.

Learned State Counsel concedes the position that case of Pirthi Singh is on parity with Pardeep Kumar and Baljeet Singh.

Learned State Counsel also concedes that except for the disclosure statement of co-accused and the recovery of ₹50,000/-, there is no incriminating evidence against the petitioner – Shagan Lal. Investigation is already complete. Trial may take time to conclude.

As per the custody certificate placed on record, petitioner – Pirthi Singh is in custody for the last 08 months and 11 days, though he is involved in one more case. Petitioner – Shagan Lal is involved in one more case but that does not pertain to NDPS Act.

Having regard to all the facts and circumstances as above but without commenting anything on the merits of the case, both the petitions are accepted. Petitioner – Shagan Lal alias Shagna alias Gurpreet alias Foji (petitioner in CRM-M-41 of 2023) and petitioner – Pirthi Singh (petitioner in CRM-M-11236 of 2023) are admitted to bail on their furnishing bail bonds and surety bonds to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate concerned.

Disposed of.

A copy of this order be placed on the files of connected cases.

Crl. Misc. applications, if any, stand disposed of.

July 17, 2023
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(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No