

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4262-2024

Date of Decision : 22.04.2024

SURINDERJIT SINGH @ VICKY

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CRM-M-4493-2024

JUGRAJ SINGH ALIAS TANNU

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Manoj Kumar Sharma, Advocate,
for the petitioner in CRM-M-4262-2024.

Mr. Rajiv Kumar Saini, Advocate,
for the petitioner in CRM-M-4493-2024.

Mr.Raghav Garg, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. Since both the petitions are arising out of the same FIR, therefore, being amenable for common decision, same are taken up together.

2. Through the instant petition, the petitioners craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.228, dated 13.12.2023, under Section 21(b) and 27-A of the Narcotic Drugs and Psychotropic Substance Act, 1985, registered at Police Station Dinanagar, District Gurdaspur.

3. The brief facts of the case, which are culled out by the learned Judge, Special Court, Gurdaspur, while declining the regular bail application of the present petitioners, reads as under:-

“6. As per the case of the prosecution, on 13.12.2023 in the area of Sugar Mill Paniar, three persons were intercepted by police party during patrolling duty who were coming on car bearing no. PB- 06-AJ-7885. They on seeing the police become perplexed and were apprehended on suspicion. On inquiry, the driver of car disclosed his name as Surinderjit Singh @ Vicky whereas the persons who were sitting in car disclosed their names as Jugraj Snigh and Parminder Snigh. On search, 10 grams heroin alongwith drugs money of Rs. 10500/- was recovered from the dashboard of car. They were arrested and since then applicant is in custody.”

3. In asking for the relief (*supra*), learned counsel for the petitioners submits that it transpires from the FIR, that the recovery which was effected from the present petitioners, is 10 grams of heroin. Though Rs.10,500/- was also recovered from the dashboard of the car, but it is a debatable issue, whether, the same is drug money or not.

4. He further submits that the petitioners have suffered sufficient incarceration of more than 4 months, as on today, and they are not involved in any other criminal case, and further the conclusion of the trial will take a long time.

5. On the other hand, learned State counsel has vociferously opposed the asked for relief, and has placed on record separate custody certificates *qua* the petitioners, which are taken on record. A perusal of the same reflects that the petitioners have suffered incarceration of 4 months and 7 days as on today, and they are not involved in any other criminal case.

6. He further, on instructions imparted to him by the police official, informs this Court that the instant matter is still under investigation, and the final report is yet to be filed by the investigating agency.

7. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

8. Be that as it may, considering the fact that the petitioners have suffered incarceration of 4 months and 7 as on today, and the trial is yet to start, as final report has yet not been filed, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioners, during the pendency of trial. Therefore, without commenting upon the merits and circumstances of the present case, the present petitions are **allowed**. The petitioners are ordered to be released on bail, on furnishing of their respective bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

9. However, it is clarified that if in future, the petitioners are found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petitions only.

A photocopy of this order be placed on the file of the connected case.

April 22, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No