

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9913-2024 (O&M)

Date of Decision: 01.03.2024

Angrej Singh @ Makku ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Ms. Divya Gulati, Advocate, for the petitioner.

Mr. Vinay Kumar Gulati, DAG, Punjab.

FIR No.	Dated	Police Station	Section/s
205	18.09.2021	Gharinda, District Amritsar Rural	21 of the NDPS Act and 411/414 of the IPC (29 of the NDPS Act added later on)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of aforementioned FIR.
2. The FIR was lodged on the basis of secret information received by Sub Inspector Daljit Singh to the effect that Angrej Singh, Jobanjit Singh @ Joban and Lakhbir Singh @ Captain in connivance with each other smuggled huge consignments of ‘heroin’ from Pakistan across the barbed wire. It is further alleged that a few days back the said persons had received a consignment of ‘heroin’ from across the barbed wire and that Angrej Singh was proceeding from Dauke to Rajatal and in case he is apprehended, ‘heroin’ could be recovered from him. It is further the case

of prosecution that pursuant to receipt of said information, the police was able to nab Angrej Singh and upon his disclosure statement '*heroin*' weighing 3.260 kilograms was recovered. It is further the case of prosecution that the aforesaid Angrej Singh in his disclosure statement nominated Lakhbir Singh @ Captain and Jobanjit Singh @ Joban to be the persons equally involved with him.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that although the police claims that there was some secret information against the petitioner and others, but at the time when the petitioner was apprehended by the police, the petitioner was not found to be carrying any contraband and that the police later came up with a story that the petitioner had suffered a disclosure statement leading to recovery of 3.260 kilograms of '*heroin*'. It has been submitted that such like recovery is virtually a recovery effected after the petitioner had been taken into custody and the sanctity of the same would be questionable.
4. Opposing the petition, learned State counsel submitted that since a non commercial quantity of contraband was recovered at the instance of the petitioner, his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 2 years, 5 months & 11 days and that he is not involved in any other case. It has further been submitted that as on date only 5 PWs out of cited 17 PWs have been examined.
5. This Court has considered rival submissions.

6. The question as regards the sanctity of the recovery stated to have been effected at the instance of the petitioner is a question, which could be debated at the time of trial having regard to the evidence led by the prosecution. In any case, the petitioner has been behind bars for a substantial period of 2 years, 5 months & 11 days. Conclusion of trial is likely to consume time as till date only 5 PWs out of cited 17 PWs have been examined. The petitioner otherwise has a clean record and is not stated to be involved in any other case. In these circumstances, the petition merits acceptance and is hereby accepted. The petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

01.03.2024

Vimal

**(GURVINDER SINGH GILL)
JUDGE**

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