

[203] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

[1] CRM-M-12481-2023
Date of Decision : 24.04.2024

Amarpartap Singh ...Petitioner
versus

State of PunjabRespondent

[2] CRM-M-26083-2023

Dalbir Singh

versus

...Petitioner

State of PunjabRespondent

[3] CRM-M-52450-2023

Dalbir Singh

...Petitioner

versus

State of PunjabRespondent

Coram : **HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present : Mr. Sant Pal Singh Sidhu, Advocate
for the petitioner in CRM-M-12481-2023.

Mr. Rajiv Kumar Saini, Advocate and
Mr. Som Nath Saini, Advocate
for the petitioner in CRM-M-26083-2023.

Mr. G.S. Bajwa, Advocate for the petitioner
in CRM-M-52450-2023.

Mr. A.S. Pannu, Asstt. AG, Punjab.

Mr. Vivek K. Thakur, Advocate for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

[1] All the three cases are taken up together for final disposal with the consent of learned counsel for the parties since the prayer made in all the three cases is for grant of regular bail.

[2] All the three petitions have been filed under Section 439 Cr.P.C for grant of regular bail in case FIR No. 34 dated 11.02.2019 under Section 21 of NDPS Act (Sections 22,29 and 58 of NDPS Act were added later on) registered at Police Station Civil Lines, District Police Commissionerate Amritsar.

[3] CRM-M-12481-2023 is a second bail petition filed by petitioner Amarpartap Singh and his first bail petition was dismissed as withdrawn on 29.11.2022. CRM-M-26083-2023 is a first bail petition filed by petitioner Dalbir Singh s/o Veer Singh. CRM-M-52450-2023 is first petition filed by petitioner Dalbir Singh s/o Sardool Singh.

[4] Mr. Sant Pal Singh Sidhu, Advocate appearing on behalf of petitioner-Amarpartap Singh has submitted that he is in custody from 13.05.2022 which is almost 1 year and 11 months. Mr. G.S. Bajwa, Advocate appearing on behalf of petitioner-Dalbir Singh son of Sardool Singh has submitted that he is in custody from 09 months and Mr. Rajiv Kumar Saini, Advocate appearing on behalf of the petitioner-Dalbir Singh son of Veer Singh has submitted that he is in custody for 01 year and 06 months.

[5] Mr. Sant Pal Singh Sidhu, Advocate, while advancing arguments in the present case submitted that it is a case where one information was received by Police Inspector namely Parveen Kumar, STF Border Range, Amritsar with regard to the some contraband with one Mr. Amrinderpal Singh and raid was conducted and the police apprehended the aforesaid Amrinderpal Singh and from him there was a recovery of 200 grams of *tramadol*. Thereafter, the complainant made a

complaint to the higher police authorities that he has been falsely implicated in the present case by the petitioner-Amarpartap Singh because of the reason that he is known to one Dalbir Singh son of Sardool Singh, whose daughter was having some relationship with Amrinderpal Singh and because of the *mala fide* reasons, he has been falsely implicated. Thereafter, an inquiry was conducted by the Inspector General of Police and it was found that the petitioner has falsely implicated the complainant. The aforesaid Amrinderpal Singh was in fact initially the accused in the present FIR but thereafter after the receipt of the inquiry report of the Inspector General of Police, he was converted into complainant. He submitted that it is a case where the aforesaid complainant-Amrinderpal Singh had already been examined and one more prosecution witness has been examined but in fact there has been a delay earlier because of the presentation of two supplementary challans after the presentation of initial challan and thereafter, the charges were framed by learned trial Court on 26.02.2023 and thereafter supplementary charges were framed on 29.11.2023. He also submitted that the material witness in the present case is the aforesaid complainant-Amrinderpal Singh, who already stands examined and his custody is 01 year and 11 months and therefore, he may be considered for the grant of regular bail. He also submitted that the aforesaid inquiry made by the Inspector General of Police was concluded by him just one day before his retirement.

[6] Mr. Bajwa, Advocate appearing on behalf of petitioner-Dalbir Singh son of Sardool Singh submitted that so far as his role is concerned, he is the father of the girl and he was alleged to be on the spot

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when the aforesaid allegations of false implication have been made. He submitted that he has also been falsely implicated in the present case and he has already faced incarceration for 09 months and therefore, he may be considered for grant of regular bail.

[7] Mr. Rajiv Kumar Saini, Advocate appearing on behalf of the petitioner-Dalbir Singh son of Veer Singh submitted that the allegation qua him is with regard to giving of information of the complainant-Amrinderpal Singh and he has now faced incarceration for 01 year and 06 months.

[8] All the learned counsels for the parties submitted that it is not a case that there had been any recovery from any of the petitioners but the allegations were that they have falsely implicated the aforesaid Amrinderpal Singh and now since they had already faced incarceration, they may be considered for grant of regular bail.

[9] On the other hand, Mr. A.S. Pannu, learned Asstt. AG, Punjab, submitted that so far as the aforesaid custody of all the petitioners is concerned, the same is correct. He also submitted that so far as the complainant- Amrinderpal Singh is concerned, he already stands examined. He submitted that however so far as the allegations in the present case are concerned, the same are serious in nature and since the allegations are serious in nature especially when one of the petitioner-Amarpartap Singh who was a police officer, they do not deserve the concession for grant of regular bail. He also submitted that as per the report of the Inspector General of Police, the petitioner-Amarpartap Singh

[10] Mr. Vivek K. Thakur, Advocate appearing on behalf of the complainant submitted that although the complainant was examined but some of the other material witnesses are still remained to be examined and therefore the petitioners do not deserve the concession of grant of regular bail.

[11] I have heard learned counsels for the parties.

[12] The custody of all the three petitioners is not in dispute. The petitioner -Amarpartap has faced incarceration of 01 year and 11 months, the petitioner-Dalbir Singh son of Sardool Singh has faced incarceration of 09 months and the petitioner-Dalbir Singh son of Veer Singh has faced incarceration of 01 year and 06 months. The charges were framed on 06.02.2023 and thereafter fresh charges were framed on 09.11.2023 by the learned trial Court and as per learned counsel for the parties, the material witness namely, Amrinderpal Singh, who was an accused but later on converted as a complainant has already been examined.

[13] After hearing learned counsel for the parties, this Court is of the view that considering the custody of the petitioners and the stage of the trial, this Court deems it fit and proper to grant regular bail to all the 03 petitioners.

[14] Consequently all the three petitions are allowed. All the three petitioners shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

[15] However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose

of deciding the present petitions only.

(JASGURPREET SINGH PURI)
JUDGE

24.04.2024
'Rajneesh'

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