

CRM-M-13788-2024

2024:PHHC:066070



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

**225**

**CRM-M-13788-2024 (O&M)  
Reserved on : 08.05.2024  
Pronounced on : 13.05.2024**

**MAJOR SINGH**

....Petitioner

**VERSUS**

**STATE OF PUNJAB**

....Respondent

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Ms. Riffi Birla, Advocate for the petitioner.

Mr. Jasjit Singh, DAG Punjab for the respondent.

**ALKA SARIN, J.**

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.04 dated 08.08.2019 under Sections 21/61/85 and Sections 22/27 and 29 (added later on) of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station SSOC Fazilka, District Fazilka.
2. Learned counsel for the petitioner would contend that the petitioner has falsely been implicated in the present case and has been in custody for a period of 10 months and 12 days and that there is no other case registered and/or pending against the petitioner. Learned counsel would further contend that the co-accused were granted bail in the present case vide order dated 31.05.2022 passed in CRM-M-10319-2022 titled as Malook Singh Vs. State of Punjab and vide order dated 31.10.2022 passed in CRM-

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M-32957-2022 titled as Sukhchain Singh @ Chaina Vs. State of Punjab. Learned counsel would further contend that though the petitioner was stated to have been apprehended with Heroin, however, on receipt of the FSL Report it transpires that the same was Tramadol Hydrochloride.

3. *Per contra*, learned counsel for the State has referred to the status report filed by way of affidavit dated 07.05.2024 of Varanjit Singh, PPS, Deputy Superintendent of Police, State Special Operation Cell, Fazilka to contend that the FIR was registered against three accused persons namely, Sukhchain Singh @ Chaina his brother, namely, Major Singh (the petitioner herein) and his father, namely, Malook Singh on the statement of ASI Rohit Marufia. It is further averred that on 08.08.2019 ASI Deepak Kumar along with Constable Mukhtiar Singh and Constable Iqbal Singh were present in the Office at Counter Intelligence, Sub Unit, Mamdot. Sh. Raj Kumar Mekla, Deputy Commandant 29 Battalion, BSF Mamdot came and told them that he was posted at Mamdot area on secret duty and a secret informer came and informed him that accused, namely, Sukhchain Singh @ Chaina, Major Singh (the petitioner herein) and Malook Singh were smuggling Heroin and had links with Pakistani smugglers and used to import Heroin on the Indo-Pak Border from Pakistani smugglers by contacting them through phone and internet. It was also informed that the accused persons including the petitioner had imported Heroin from Pakistani smugglers near their house and if they are apprehended and strictly interrogated, Heroin could be recovered. On the basis of the said information, raids were conducted where

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the accused were apprehended and arrested. Along with the status report, the FSL Report has also been appended. A perusal of the FSL Report reveals that the ingredients have been mentioned as Tramadol Hydrochloride. Custody certificate has also been filed and as per the custody certificate the petitioner has been in custody for a period of 10 months and 12 days and there is no other case registered and/or pending against the petitioner. Learned counsel for the State would further contend that the petitioner had been declared as a Proclaimed Offender on 23.07.2021 and was later apprehended on 27.06.2023 and hence it is not a fit case for grant of regular bail. It has further been pointed out that out of 8 prosecution witnesses, 3 stand examined. Learned counsel for the State is not in a position to deny the fact that both the co-accused have since been granted regular bail by this Court.

4. Heard.

5. In the present case both the co-accused, namely, Sukhchain Singh @ Chaina and Malook Singh have since been granted regular bail by this Court vide orders dated 31.05.2022 passed in CRM-M-10319-2022 and dated 31.10.2022 passed in CRM-M-32957-2022. The case set up by the State was that Heroin had been recovered in a polythene bag which had been buried at the back of the house. The said packet, which was recovered, was sealed and after following the due procedure was sent for analysis by the FSL. As per the FSL Report the ingredients of the recovered powder were found to be Tramadol Hydrochloride. There is no other case registered

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and/or pending against the petitioner. Out of 8 witnesses, only 3 have been examined till date. The petitioner has been in custody for a period of 10 months and 12 days. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

6. Keeping in view the custody of the petitioner and in view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

7. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

9. Disposed off. Pending applications, if any, also stand disposed off.

**13.05.2024**

*Aman Jain*

**(ALKA SARIN)  
JUDGE**

*NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO*