

In The High Court for the States of Punjab and Haryana
At Chandigarh

(I) CRM-M-32380-2022 (O&M)
Date of Decision:- 05.02.2024

Rajinderpal Singh ... Petitioner

Versus

State of Punjab ... Respondent

(II) CRM-M-34424-2022 (O&M)

Daljit Kaur @ Daljeet Kaur @ Babli ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Satnam Singh Gill, Advocate, for the petitioner
in CRM-M-32380-2022.

Mr. G.S.Randhawa, Advocate with
Mr. Baljeet Singh Kathuria, Advocate, for the petitioner
in CRM-M-34424-2022.

Mr. Randeep Partap Singh, Sr. DAG, Punjab.

FIR NO.	DATE	POLICE STATION	OFFENCES
126	06.08.2021	Special Task Force, Phase-4, Mohali, District SAS Nagar, Mohali	15, 15-C, 25, 29 and 31 of NDPS Act

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions wherein petitioners Rajinderpal Singh and Daljit Kaur @ Daljeet

Kaur @ Babli, seek grant of regular bail in respect of aforementioned FIR.

2. It is the case of prosecution that on 06.08.2021 a secret information was received by the police to the effect that petitioner-Rajinderpal, Daljit Kaur and Pawanjit Singh @ Kaka indulged in drug trafficking and that even on the given day they were carrying drugs. Pursuant to receipt of said information, barricading was raised and the police was able to intercept a Scorpio vehicle which was being driven by Pawanjit Singh @ Pawan and wherein petitioner-Rajinderpal Singh was sitting on the front passenger seat and Paramjit Kaur @ Daljit Kaur was sitting on the rear seat. 10 bags of 'poppy husk' were recovered from boot of the car, total weighing 350 kgs of 'poppy husk'.
3. Learned counsel for the petitioners submitted that they have falsely been implicated in the present case and that none of the petitioners can be attributed conscious possession of the allegedly recovered contraband inasmuch as it is co-accused Pawan who was at the wheel of the vehicle and can be said to be having domain over the articles being carried in the vehicle. It has been submitted that the petitioners in any case have been behind bars since the last about 2 ½ years and since the trial is proceeding at snail's pace, they cannot be kept confined indefinitely.
4. Opposing the petitions, learned State counsel has submitted that it is a case where both the accused were caught red-handed while travelling in a vehicle from which huge quantity of contraband was

recovered. Learned State counsel has further submitted that the offence on part of Rajinderpal assumes all the more gravity inasmuch as he is a member of the police force. It has further been submitted that petitioner-Paramjit Kuar @ Daljit Kaur is a habitual offender having been involved in 8 other cases wherein she already stands convicted in one case under NDPS Act. Learned State counsel has not disputed that the petitioners have been behind bars for a period of about 2 ½ years and that as on date only 4 PWs have been examined apart from 2 another PWs who had been partly examined out of the cited 36 PWs. Learned State counsel has informed that upon arrest of petitioner Paramjit Kaur @ Daljit Kaur, she made a disclosure statement leading to recovery of another 90 Kgs of 'poppy husk' from her residence. Learned State counsel thus prayed for dismissal of both the petitions.

5. This Court has considered the rival submissions.
6. It is no doubt correct that both the petitioners were caught red-handed. However, this Court cannot lose sight of the fact that both the petitioners have been behind bars for a substantial period of about 2 ½ years. Conclusion of trial is nowhere in sight inasmuch as only 4 PWs out of 36 PWs have been examined till date. In these circumstances further detention of the petitioners would not be justified. The petitions, as such, are accepted and the petitioners are ordered to be released on bail subject to their furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

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

05.02.2024
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No