



221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31068-2024
Date of Decision: 22.07.2024

Tara Singh alias Avtar Singh ...Petitioner
vs.
State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Ruhani Chadha, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the fourth petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.06 dated 26.03.2018 registered under Sections 21 and 29 of Narcotics Drugs and Psychotropic Substance Act, 1985 (the offence under Section 25 and 27-A of NDPS Act added later on) at Police Station State Special Operation Cell, Amritsar, District Intelligence Wing (CID), Amritsar.
2. The FIR in the present case was registered on the basis of the statement made by Harwinder Pal Singh, Inspector and the same has been reproduced below:-

“Head Munshi P.S. State Special Cell Amritsar. Jai Hind. Today I Inspector along with other police officials namely SI Sukhbir Singh 5155/INT, SI Raj Singh 1283/PAP, HC Dilbagh Singh, 9/650, HC Amarbir Singh 2795/INT and CT Prabhdeep Singh 5/312 during secret operation and in search of drug smugglers and the



operators, were patrolling on our government vehicle at Amritsar Jalandhar bypass near Dera Baba Darshan Singh Pulliwala Ghanupur Kale Amritsar City and we were present there. Over there, one more police party of police station State Operation Cell, which was being headed by SI Harbhej Singh 5011/INT ASI Malkit Singh 5/131/ ASI Jagjit Singh 900/SDR, ASI Rajesh Kumar 2826/INT, HC Gurdev Singh 2653/FR and Balkar Singh 3019/INT were patrolling on their government vehicle in search of bad and suspicious elements and they were present over there and met us. Over there, a secret informer came to me and informed that from the Ferozepur side Heroin smugglers Harwinder Singh alias Shinder Singh son of Hardayal Singh caste Rai Sikh resident of Lakhbir Ke Hithad P.S. Mamdot District Ferozepur, Amrik Singh son of Arjan Singh resident of Nagar Wala Jhuge P.S. Mamdod District Ferozepur and Tara Singh son of Amar Singh resident of Jalloke Hitthar P.S. Mamdod District Ferozepur were coming and they were indulging in smuggling huge quantity of heroin and further they used to smuggle heroin in the area of Ferozepur in huge quantity. From them Harwinder Singh alias Shinder Singh son of Hardayal Singh caste Rai Sikh resident of Lakhvir Ke Hatthar P.S. Mamdot and heroin which he had sold and the payment of which he was coming to give to one of its operator Rakesh Seth son of Tarlok Chand Seth resident of C 55 Kashmir Avenue Amritsar. Further Rakesh Seth through its Network used to send this money which is earned from selling heroin to Pakistan. Both Harwinder Singh alias Shinder and Rakesh Seth for giving the heroin and the money are meeting outside Durgiana Mandir and if without any delay and after proper planning, both accused can be apprehended alongwith heroin and drug money. The information being correct and reliable and the same was being brought into the knowledge of Sukhminder Singh Maan IPS/AIG, SSOG/ASR by Inspector and obtained necessary orders and as per the information received from the



secret informer offence under section 21,29,61,85 NDPS Act was found to be committed by accused persons. For registering the FIR, the same was being sent to the police station at the hands of C Prabhdeep Singh 5/312 PS SSOC/ASR and further Baldev Singh PPS/DSP/ SSOC/ASR was further requested to reach at the spot and Inspector and other police officials have also left for the spot. After registering the FIR, the number may be intimated and after preparing the special reports, the same may be sent to the senior police officers and control room may be intimated through telephone at area Ghanupur Kale Amritsar at 5.50 PM Sd/- Inspector Harwinder Pal Singh No. 387 P.S. State Special Operation Cell, Amritsar Dated 26.03.2018.”

3. Learned counsel for the petitioner submits that in the present case, the petitioner has been falsely involved by the police and the version of the prosecution is highly unbelievable. He further contends that the petitioner was neither apprehended with the main accused nor had any connection with them and has been nominated as an accused only on the basis of the suspicion. He further contends that Rakesh Seth, from whom the drug money of Rs. 16.90 lakhs in cash was recovered, has already been granted the concession of bail by this Court, vide order dated 28.11.2019 (Annexure P-2) and the case of the petitioner is on better footing. Learned counsel further contends that the trial has been unreasonably delayed by the prosecution, just to ensure the incarceration of the petitioner for a longer period. He further contends that no other case under NDPS Act has been registered against the present petitioner and the petitioner deserves the concession of bail by this Court. The petitioner is continuing in custody since 17.01.2019 and is in custody for the last about 05 years and 06 months.



4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.
5. I have heard the learned counsel for the parties and perused the record.
6. It is not in dispute that the petitioner was not apprehended at the spot and his name has surfaced only during the course of investigation. He has already been in custody for the last about 05 years and 06 months. Thus, further custody of the petitioner will not serve any meaningful purpose.
7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

22.07.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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