

2024.PHHC:146882



225.

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

CRM-M-39110-2024

Date of decision: 11.11.2024

Bikramjit Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. P.B.S. Goraya, Advocate, for the petitioner.

Ms. Avneet, AAG, Punjab.

GURBIR SINGH, J.

1. This petition has been filed under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case FIR No.166, dated 03.10.2017, registered under Section 21 of NDPS Act, 1985 at Police Station City Patti, District Tarn Taran.

2. The aforesaid FIR was registered with the following allegations:-

“MHC City police station Patti, today 1 INSP/SHO along with ASI Gurmukh Singh no.863, ASI Balbir Singh No. 400/TT, ASI Panna Lal No.173/ASR, HC Kishan Kumar No.269, HC Davinder Kumar no.1334, HC Satnam Singh no.1005, PHG Baljit Singh No.395 by travelling on government vehicle no.PB-46-W-1815 which is driven by HC Rajbir Singh No.274 while patrolling and searching for bad elements and were present at Chowk 'Bahmani' and some distance, when we reached Kala tyre works then we noticed one Verna Car of white colour parked on left side of the road and one person with a haircut after alighting from the car was urinating and 3

more persons were sitting in the car. That on suspicion I INSP/SHO stopped my government vehicle and alighted to check 3 persons sitting in the Verna Car. That on seeing on the police car, the person who was urinating took out a polythene from his right side pocket of the pant and threw it on the ground and swiftly started working towards the Verna Car and on suspicion I INSP/SHO apprehended him with the assistance of my police team whereas, the 3 persons sitting in the car fled away in their car. Then I INSP/SHO asked the identity of apprehended person and he disclosed his name as Bikramjit Singh son of Nishan Singh Jatt Sikh resident of Muglani P.S Verowal and then I INSP/SHO inquired about the contents of polythene thrown by him and he disclosed that polythene contains heroin. Efforts were made to join someone from public in the police team but no one agreed to join the police party. Then on the asking of I INSP/SHO, above mentioned accused Bikramjit Singh after picking up polythene from the ground produced the same before me and on checking the same, heroin was recovered from the polythene and on weighing the same on electronic weighing machine, the heroin was found 265 grams and the recovered heroin and polythene were put in plastic dabba and a parcel was prepared and I INSP/SHO sealed the parcel with my seal 'HS' and prepared a memo and took the same in police possession and sample seal was prepared and after usage, stamp was handed over to ASI Gurmukh Singh no.863/TT and personal search of apprehended Bikramjit Singh was conducted and 32 bore pistol along with magazine was recovered and from left pocket of pant 2 magazine with cartridge was recovered and from the magazine of pistol, it contained 20 live 32 bore cartridge and separate FIR u/s 25, 54, 59 Arms Act will be registered for keeping pistol and live cartridges. That the accused has committed offence u/s 21, 61, 85 NDPS Act by keeping 265 grams of heroin in his possession. Ruqa is sent to police station for registration of FIR by hand through HC Kishan Kumar no.269. After registration of FIR, its no. be intimated. Special report be dispatched. Control room be informed. I INSP is investigating in the case. Place Patti time 9.05 P.M. Sd/- Hardeep Singh SHO police station Patti 03.10.2017.

2.1 Vide order dated 02.04.2018, the petitioner was granted default bail as the police failed to file challan within the stipulated period.

Thereafter, challan was filed against the petitioner and charges were also

framed. Lateron, due to Covid-19 restrictions, petitioner stopped attending the Court. He was apprehended in some other case i.e. FIR No.90, dated 23.08.2023, under Sections 336/34 of IPC and Section 25 of Arms Act, 1959, Police Station Dehlon, District Ludhiana, however, in that case, he has already been granted bail by this Court vide order dated 19.02.2024 passed in CRM-M-64843-2023. The petitioner was produced before the court on production warrant issued on 16.12.2023 and since then, he is in custody.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. There is nothing on record to substantiate the allegations of alleged recovery of contraband from the petitioner. There is clear violation of mandatory provisions of NDPS Act. Petitioner is in custody since 16.12.2023. No useful purpose would be served by keeping the petitioner in custody anymore. Petitioner undertakes to appear before the trial Court on each and every date of hearing and shall not hamper the trial.

4. Pursuant to order dated 21.08.2024, status report by way of affidavit dated 21.10.2024 of Kanwalpreet Singh, PPS, Deputy Superintendent of Police, Sub-Division Patti, on behalf of respondent-State, has already been placed on the file, which is taken on record.

4.1 Learned State counsel has opposed the bail to the petitioner by contending that the petitioner is a habitual offender. He is involved in 8 other cases. In the instant case, recovery of commercial quantity of

contraband i.e. 265 grams of heroin has been effected from the possession of the petitioner.

5. I have heard the submissions of learned counsel for the parties.

6. Considering the fact that the petitioner is in custody in this case since 16.12.2023, he was on bail but lateron could not appear due to Covid-19 pandemic, his culpability would be determined during trial and completion of trial will take some time, pendency of other cases is no ground to decline bail, this Court deems it appropriate to release the petitioner on regular bail.

7. Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of concerned learned trial Court/Chief Judicial Magistrate/Duty Magistrate, with the further condition that he shall get his mobile number registered in the trial Court for receiving messages on CIS system and shall not change his mobile number during the pendency of the case. He shall also furnish his residential address to the trial Court as well as to the concerned police station and shall not change his residence without intimation to the concerned court. The court concerned may impose any other condition as it deems fit. In case of default, the trial Court is free to cancel the bail granted to the petitioner.

8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case

and the trial Court shall decide the case on the basis of material available before it.

(GURBIR SINGH)
JUDGE

November 11, 2024
sanjeev

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