

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41218-2023

Date of Decision: 18.03.2024

Harmant Singh @ Hanwant Singh ...Petitioner

Versus

Narcotics Control Bureau (NCB) Chandigarh & another ...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Jasbir Singh Ahlawat, Advocate, for the petitioner.

Ms. Anju Sharma, Advocate, for the respondent-NCB.

Case No.	Dated	Police Station	Section/s
NCB Crime No.37	27.05.2021	Narcotic Bureau (NCB), Amritsar/ Chandigarh	8, 21, 22, 25, 29, 60 of the NDPS Act

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of aforementioned case.
2. As per the case of prosecution, on 27.05.2021, a secret information was received by Sh. Vikash Singh, Intelligence Officer in the office of Narcotics Control Bureau, Sub Zone, Amritsar to the effect that one suspected parcel (suspected to be containing narcotics) has been received at DTDC, Office, Amritsar sent by Mukesh Agency, Baltora, District Jodhpur and was to be received by one Inderjit Singh son of Gurbej Singh, resident of Tarn Taran, who would come at the office of DTDC, Amritsar at about 09:00 a.m. for getting delivery of suspected parcel. It is further

- the case of prosecution that in accordance with said information when one Inderjit Singh came to DTDC Express Office, Amritsar on 27.05.2021 and collected the suspected parcel, he was asked to stop by NCB team. Said Inderjit threw the parcel at NCB team and ran away from the spot. Though the NCB team chased the said Inderjit Singh, but he could not be apprehended. When the parcel thrown by Inderjit Singh was opened and checked, the same was found to contain 14998 tablets of '*Tramadol*'. It is further the case of prosecution that during investigation, it was found that the parcel had been sent by one Ganga Ram from Jodhpur, Rajasthan to Inderjit Singh (absconder). Said Ganga Ram was associated with the investigation and who disclosed that he was using mobile phone No.9928427904 and was posted in Shiv Government Hospital, Barmer and that he had booked the consignments in the name of Inderjit Singh. Ganga Ram further disclosed that he had come in contact with Hanwant Singh (petitioner) in the year 2020, who was dealing in supply of medicines and was also involved in illegal sale of medicines. Ganga Ram further disclosed that Hanwant Singh induced him into drugs trade and had supplied consignments to him on 5/6 occasions to be sent to the addresses provided by him and that the sender used to be mentioned as one 'Mukesh Agency', which was already closed down. Ganga Ram also disclosed the mobile number of Hanwant Singh.
3. Learned counsel for the petitioner submitted that he has been nominated in the present case on the basis of a disclosure statement made by co-accused Ganga Ram and that the evidentiary value of such like statement

would be debatable. It has further been submitted that no recovery was ever effected from the petitioner and that since co-accused Ganga Ram has already been granted bail, the petitioner also deserves the same concession on grounds of parity particularly when he has been behind bars since the last about 2 ½ years.

4. Opposing the petition, learned counsel representing the NCB submitted that it is a case of recovery of huge quantity of contraband i.e. 14998 tablets of '*Tramadol*' and since the police during the course of investigation has collected call details record indicating that the petitioner was in regular touch with co-accused, his complicity is clearly evident. It has been submitted that one of the accused, namely, Inderjit Singh is proclaimed offender, therefore, it will not be in the interest of justice to release the petitioner on bail at this stage. Learned counsel has, however, not disputed the fact that the petitioner as on date has been behind bars since the last about 2 ½ years. It has been informed that the petitioner is not involved in any other case under the NDPS Act and the only case in which he has previously been involved was in respect of prisons offence.
5. This Court has considered rival submissions.
6. Without commenting anything as regards the merits of the case, but while noticing the long custody of the petitioner i.e. about 2 years, 6 months & 5 days and the fact that he has a clean record and is not involved in any other case much less any offence under the NDPS Act, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the

petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

18.03.2024

Vimal

(GURVINDER SINGH GILL)
JUDGE

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