



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(202) CRM-M-39162-2024(O&M)
DATE OF DECISION: 24.09.2024

Chhhinder Singh @ Chhinda SinghPetitioner

VERSUS

State of PunjabRespondent

CORAM HON’BLE MR.JUSTICE HARSIMRAN SINGH SETHI

Present Mr.Kamal Narula, Advocate,
for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

HARSIMRAN SINGH SETHI J, (ORAL)

CRM-32197-CWP-2024

Application is allowed, as prayed for.

CRM-M-39162-2024

1. In the present petition, prayer of the petitioner is for the grant of bail in case FIR No.94 dated 21.06.2023, under Section 21/61/85 of the NDPS Act, 1985, registered at Police Station Sadar Ferozepur, District Ferozepur (Annexure P-1).
2. Learned counsel for the petitioner argues that the contraband was recovered from the land which was not owned by the petitioner and rather the same is in the name of the co-accused Bagicha Singh, son of Arjun Singh but still, the petitioner has been involved in the said FIR and the petitioner is behind the bars since 31.12.2023 hence, the petitioner be kindly granted the concession of regular bail.

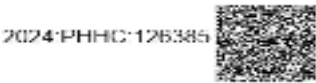


3. Status report has been filed by the respondent, wherein, it has been mentioned that 14 packets of heroine were recovered from the field of Bagicha Singh which involved the commercial quantity and as per the evidence collected during the investigation the said field was being cultivated by the petitioner along with Bagicha Singh and the contraband being recovered on the Institution of the petitioner from across the border, therefore, the petitioner was arrested as, he was cultivating the said land though, the land was in the name of Bagicha Singh.

4. I have heard the learned counsel for the parties and have gone through the record with their assistance.

5. Keeping in view the status report, wherein, serious allegations have been alleged that the heroine was smuggled from Pakistan and was buried in the land though the said land belonging to co-accused Bagicha Singh but as the petitioner was cultivating the said land along with Bagicha Singh, the petitioner has also been roped in. The only defence being taken by the petitioner is that the land is not in the name of the petitioner.

6. The land, might not be in the name of petitioner but once, it has already come during the investigation that the petitioner was also cultivating the said land along with Bagicha Singh, and keeping in view the evidence which has come on record qua the involvement of the petitioner in procuring the contraband in connivance of the drug smuggler of the Pakistan, whose name has been mentioned in the status report coupled with the allegations that the said contraband was procured at the instance of the petitioner, the petitioner cannot be allowed the benefit of regular bail as the contraband is commercial in nature, only because the land is in the name of the co-accused.



7. Qua the argument of learned counsel for the petitioner that the petitioner was arrested after six months of the registration of the FIR, which shows that the petitioner has no involvement, it is noticed that the said fact goes against the petitioner as the Investigating Agency took six months to investigate to come to the conclusion that it was the petitioner, who was cultivating the land from where contraband was recovered and also that it was at the instance of the petitioner, the contraband was received from a Pakistani smuggler, which *prima-facie*, shows proper investigation.

8. No ground for grant of regular bail, as prayed for, in the present petition, is made out.

9. Dismissed.

24.09.2024
mamta

(HARSIMRAN SINGH SETHI)
JUDGE

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