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

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CRM-M-42604-2024 (O&M)
Date of decision: 29.11.2024

Satpal Singh @ Satta **...Petitioner**

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 439 of Cr.P.C. seeking regular bail in case bearing FIR No. 298 dated 31.12.2023, registered under Sections 21, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Section 25 of the Arms Act, 1959 (Section 21-C, 25, 27-A and 29 of the NDPS Act and Sections 25, 6, 7 and 8 of Arms Act were added later on) at Police Station Islamabad, District Police Commissionerate Amritsar.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 31.12.2023, on receiving a secret information that Sandeep Singh @ Laddi, Roshan Singh, Manpreet Singh @ Monu are indulged in smuggling of narcotic substance and illegal weapons with the Pakistani smugglers and that on the said date, aforesaid Sandeep Singh @ Laddi and Roshan Singh were waiting for someone while riding in car bearing registration number PB-06-BB-4064, they were apprehended by a police party

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headed by SI Paramjit Singh. On conducting their personal search as well as search of the car, 19 kgs. of heroin, one pistol of 9 MM with 06 live cartridges, one country made pistol of .32 bore with 06 live cartridges and one computerized weighing scale were recovered. Both of them were formally arrested at the spot. During the course of investigation, on the disclosure of accused Sandeep Singh @ Laddi, recovery of some more illegal arms and ammunition along with drug money of Rs. 15 Lakhs was effected. Accused Sandeep Singh @ Laddi named one Swinder Singh @ Noni, who was also arrested on 05.01.2024 and he named one Rajapal Singh. Co-accused Rajapal Singh was also arrested and suffered a disclosure statement that the present petitioner was involved with them in selling heroin. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with co-accused is facing trial for commission of aforesaid mentioned offences. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 10.04.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The petitioner was not found at the spot and has been involved in this case on the basis of a series of disclosure statements suffered by co-accused, which is not admissible in law against the petitioner. He is not involved in any other case under the NDPS Act. Investigation has since been completed and *challan* has been presented. Trial is likely to take time. The petitioner is in custody since 06.01.2024. No useful

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purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned State counsel has argued that though the petitioner was nominated in this case on the basis of the disclosure suffered by the co-accused but during the course of investigation, his involvement in the subject crime was duly established. A huge quantity of contraband, i.e. 22.5 kgs. of heroin, along with certain illegal arms and ammunition has been recovered in this case. The petitioner was involved in selling heroin along with the co-accused. Trial is going on at proper pace. It is, thus, argued that the petition is liable to be dismissed.

5. I have learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner has been nominated in this case on the basis of a fourth degree disclosure made by co-accused with the allegations that he was also involved in selling heroin with the co-accused. However, a perusal of the contents of the FIR shows that he was neither named in the secret information nor any subsequent recovery is shown to have been effected from the petitioner. More so, the petitioner is not involved in any other case under the NDPS Act. Investigation has since been completed and challan has been presented before the Court concerned. The trial is likely to take time. The petitioner is in custody since 06.01.2024. Therefore, keeping in view the discussion as made above, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore.

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Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

29.11.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>