



In The High Court for the States of Punjab and Haryana
At Chandigarh

(I) CRM-M-45453-2024 (O&M)
Date of Decision:- 16.12.2024

Shanty Singh @ Shanty ... Petitioner
Versus
State of Punjab ... Respondent

(II) CRM-M-46530-2024 (O&M)
Shambhu Singh ... Petitioner
Versus
State of Punjab ... Respondent

(III) CRM-M-59541-2024 (O&M)
Vicky Singh ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. L.S.Sekhon, Advocate,
for the petitioner (s) in
CRM-M-45453-2024 & CRM-M-59541-2024.

Mr. Jashandeep Singh Sandhu, Advocate,
for the petitioner in CRM-M-46530-2024.

Mr. Prabhdeep Singh Dhaliwal, AAG, Punjab.



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FIR NO.	DATE	POLICE STATION	OFFENCES
29	11.4.2024	City Dhuri, District Sangrur	21 and 29 of NDPS Act

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned three petitions wherein petitioners Shanty Singh @ Shanty, Shambhu Singh and Vicky Singh seek grant of regular bail in respect of aforementioned FIR.
2. The FIR was lodged pursuant to the receipt of secret information by the police to the effect that Vishal, Gurpreet, Ranbir Singh and Ashu indulged in sale of narcotics/Heroin and that even on the given day i.e. on 11.4.2024 they were proceeding in a white coloured Swift car bearing registration No. DL-5C-1512 while carrying huge quantity of drugs. It is the case of prosecuion that pursuant to receipt of said information the police was able to intercept the aforesaid vehicle in which the above named four persons were travelling and who were found in possession of 280 grams of ‘Heroin’. It is further the case of proecution that during the course of interrogation they disclosed that the contraband was to be supplied to Shambhu, Gurpreet Singh son of Paramjit and Vicky. It is further the case of prosecution that subsequently Shambhu upon his arrest further disclosed that half of the contraband was to be delivered to one Shanty.



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3. Learned counsel for the petitioners' submitted that they are nowhere named in the FIR and came to be nominated on the basis of disclosure statements allegedly made by co-accused who had been arrested at the spot and that admissibility and reliability of such like statements would be debatable particularly when there is no other evidence to connect the petitioners with the alleged recovery. It has been submitted that there is not an iota of evidence to show that they had ever ordered or asked the co-accused to supply such contraband and that under these circumstances the petitioners, who in any case have been behind bars for the last about 7 months, deserve the concession of bail.
4. Opposing the petition, learned State counsel submitted that since the four accused who were caught red-handed at the spot had specifically nominated the petitioners as the persons to whom the contraband was to be supplied, it goes without saying that they are equally involved in drug trafficking and that the factum of involvement of the petitioners in earlier cases lends corroboration to the case of prosecution inasmuch as all of them earlier have also been involved in 3 or 4 other cases under NDPS Act. Learned State counsel has not disputed the fact that the petitioners have been behind bars since the last about 6 months. It has also been informed that as on date only 1 out of cited 17 PWs has been examined.
5. This Court has considered rival submissions addressed before this Court.



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6. Admittedly none of the petitioners were ever found or arrested at the spot and had been nominated on the basis of disclosure statements as per which the recovered contraband of 280 grams of ‘Heroin’ was to be supplied to the petitioners. The admissibility of such like statements would certainly be debatable. At this stage, there is nothing from which it could be said with certainty that the recovered contraband was indeed meant to be supplied to the petitioners. While it is correct that the petitioners are involved in some other cases, but having regard to the totality of the facts and circumstances of the case particularly the fact that in the present case petitioners were not found at the spot and the only evidence against them is the alleged disclosure statement and while also noticing that the trial is at its nascent stage inasmuch as only one out of cited 17 PWs has been examined, further detention of the petitioners would not be justified. All the petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
7. A photocopy of this order be placed on the file of each connected cases.

16.12.2024
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No