

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

217 CRM-M-50676-2023
Date of Decision.:08.02.2024

Rahul @ NayakPetitioner
Vs.
State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

Fresh power of attorney on behalf of petitioner has been filed.

2. The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.11 dated 17.05.2023 registered under Sections 21, 25, 27-A, 29 of NDPS Act (Sections 25 & 27 of Arms Act added subsequently) registered at Police Station State Special Operations Cell, Amritsar, District Amritsar.
3. Status report dated 27.01.2024 in the form of an affidavit of Shri Harwinderpal Singh, PPS, Deputy Superintendent of Police, State Special Operation Cell, Amritsar on behalf of respondent- State has already been filed. Custody certificate filed by learned State counsel, taken on record.
4. As per prosecution allegations, on the basis of secret information, co-accused Robin Singh and Harpal Singh were apprehended

and recovery of 1kg. and 600 grams of Heroin besides one pistol of .45 bore along with the magazine and six live cartridges and drug money of ₹2,00,000/- were recovered.

5. On the disclosure statement made by them, 1 kg. of Heroin was recovered from the house of Robin Singh and 600 grams of Heroin was recovered from the car of Harpal Singh. Robin Singh also got recovered 580 grams of gold jewellery, ₹3,00,000/- drug money and 20 live cartridges. During the course of investigation, name of the petitioner Rahul @ Nayak was nominated to be one of the companion of Robin Singh. Petitioner was then arrested and an amount of ₹7,00,000/- as drug money besides a mobile phone and dongal with 04 sim cards were recovered from him. Apart from petitioner, one Arshdeep Singh @ Bholu was also nominated to be involved in the drug network.

6. Learned counsel for the petitioner contends that petitioner has been falsely implicated; that co-accused Arshdeep Singh, who was also nominated in the disclosure statement of Robin Singh has already been allowed bail by this Court vide order dated 23.01.2024 passed in CRM-M-54833-2023. Attention is further drawn towards the fact that no recovery of any contraband has been effected from the petitioner.

7. Learned State counsel does not dispute the fact that no recovery of contraband has been effected from the petitioner. However, bail is opposed on the ground that amount of ₹7,00,000/- recovered from him was drug money. However, learned State counsel is unable to convince this Court that at this stage, without any evidence how inference can be drawn

that the money recovered from the petitioner was drug money.

8. Apart from above, custody certificate reveals that petitioner is in custody for the last 06 months and 07 days. Although he is involved in 01 more case pertaining to NDPS Act bearing FIR No.02 dated 07.01.2020 registered at Police Station Gharinda under Section 22/61/85 of NDPS Act but counsel for the petitioner has placed on record copy of the order dated 01.04.2021 passed by this Court in CRM-M-13896-2020, whereby petitioner was allowed bail in that case.

9. Having regard to the above facts and circumstances, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

February 08, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No