



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

CRM-M-48660-2024 (O&M)
Date of Decision:- 03.10.2024

Satnam Singh alias Satti ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Charanjit Singh Bakshi, Advocate, for the petitioner.

Mr. Prabhdeep Singh Dhaliwal, AAG, Punjab.

FIR NO.	DATE	POLICE STATION	OFFENCES
50	10.5.2023	Kulgari, District Ferozepur	21, 25, 29, 61, 85 of NDPS Act and Sections 25, 54, 59 of Arms Act

GURVINDER SINGH GILL, J. (Oral)

- The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
- As per the case of prosecution a secret information was received by the police on 10.5.2023 to the effect that Jaipal Singh son of Amrik Singh was proceeding in a swift car while carrying contraband. Pursuant to receipt of said information the police was able to intercept the said swift car. It is the case of prosecution that the car was being



driven by Jaipal Singh and there was no other occupant in the car and that 1 Kg of 'Heroin' was recovered lying near the gear lever in a black polythene bag.

3. Learned counsel for the petitioner submitted that the petitioner is neither named in the FIR nor any recovery is alleged to have been effected from the petitioner and is being roped in the present case on the premises that the car belongs to the petitioner whereas the petitioner had already sold his vehicle to father of Jaipal Singh on 02.05.2023. Learned counsel in this regard has drawn the attention of this Court to a receipt dated 02.05.2023 (Annexure P-2).
4. Opposing the petition, learned State counsel submitted that no reliance can be placed upon receipt dated 02.05.2023 (Annexure P-2) which has apparently been prepared to wriggle out from his liability. It has been submitted that the alleged receipt is dated 02.05.2023 i.e. just about a week prior to the recovery in question and in any case the receipt cannot be treated as any evidence of transfer of vehicle. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 2 months and 4 days and otherwise has a clean record. It has further been informed that while challan against co-accused has been presented, but a supplementary challan against the petitioner is yet to be presented and as many as 22 PWs have been cited in the main challan.



5. This Court has considered rival submissions addressed before this Court.
6. Admittedly, the petitioner was not present in the car nor any recovery has been effected from him. He is being nominated as an accused being owner of the car. Though, the learned counsel submitted that he had already sold the car in question to father of the main accused Jaipal Singh, but the said stand can only be verified after evidence is led by the accused. In any case, it goes without saying that the petitioner was never ever present in the car in question when the co-accused was found in possession of contraband. The petitioner otherwise has been behind bars for the last more than 2 months and enjoys a clean record. Supplementary challan against the petitioner is yet to be presented and thus it goes without saying that conclusion of trial is likely to consume time. Under these circumstances, further detention of the petitioner would not be justified. 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.

03.10.2024
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No