



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

(I) CRM-M-54025-2023 (O&M)
Date of Decision:- 11.11.2024

Prince ... Petitioner
Versus
State of Punjab ... Respondent

(II) CRM-M-21786-2024 (O&M)

Karanbir Singh ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Hitesh Chopra, Advocate, for the petitioner
in CRM-M-54025-2023
(appeared through video conferencing).

Mr. G.S.Kaura, Advocate, for the petitioner
in CRM-M-21786-2024.

Mr. Japjot Singh, AAG, Punjab.

FIR NO.	DATE	POLICE STATION	OFFENCES
25	14.08.2022	State Special Operation Cell, District Amritsar	21/25/29 of NDPS Act

**GURVINDER SINGH GILL, J.**

1. This order shall dispose of the above mentioned two petitions wherein petitioners Prince and Karanbir Singh seek grant of regular bail in respect of aforementioned FIR.
2. The FIR was lodged pursuant to receipt of secret information by the police to the effect that Karanbir Singh, Prince, Mehakpreet Singh alias Mehak and some other unknown persons had joined hands with smugglers of Pakistan and had formed a gang for smuggling 'Heroin' across borders. The information was further to the effect that even on the given day i.e. on 14.8.2022 Karanbir and Prince had received a big consignment of 'Heroin' from Mehakpreet and they were to deliver the same to some of their client and were proceeding on a black coloured Splendor bearing registration No.PB-18-2336 from near Sahinewal Village in Amritsar to Batala road. Pursuant to receipt of said information the police was able to intercept the aforesaid motorcycle in question on which Karanbir Singh and Prince were travelling. Upon their search 3 Kgs of 'Heroin' was recovered.
3. Learned counsel for the petitioners submitted that they have falsely been implicated in the present case and that there are certain inconsistencies and suspicious circumstances in the copies of the FIR which had been downloaded by the petitioners from the website and the one which has been filed by the prosecution before the trial Court which clearly indicates that there has been some kind of tampering in the contents of the FIR. Learned counsel further submitted that even



the consent memos prepared during the course of alleged recovery show that the same have been prepared without any application of mind and that while the consent memo (Annexure P-4) the heading is recorded as 'consent memo', but the contents reveals that the accused had expressed his objection for the same. It has been submitted that consent memo Annexure P-4 had been prepared after the accused had earlier expressed before the Investigating Officer that they wish to be searched in the presence of a gazetted officer and that since the accused had raised objection even before the Deputy Superintendent of Police, no reliance can be placed upon the factum of recovery. Learned counsel further submitted that the petitioners in any case have been behind bars for a substantial period of about 2 years and 3 months and are not involved in any other case under NDPS Act, therefore, they deserves the concession of regular bail.

4. Opposing the petition, learned State counsel submitted that since it is a case where both the accused were caught red-handed, their complicity is clearly evident. It has however, been informed that the petitioners have been behind bars for the last 2 years 2 months and 22 days.
5. This Court has considered rival submissions addressed before this Court.
6. Although, learned counsel for the petitioners raised various objections regarding the authenticity of the FIR, but the State in its reply has tried to explain that some discrepancy in the FIR had



cropped up on account of upgrading of the computer systems/server and that in any case there is no difference in the contents of the FIR furnished in the Court or the one which has been downloaded by the petitioner’s counsel from the website.

7. This Court also finds that the consent memos had not been properly recorded by the police officials. However, it is only during the course of trial that the effect of such discrepancy would be assessed while keeping in view the other circumstances including the fact as to whether any offer in terms of Section 50 of NDPS Act was really required to be extended or not. In any case, this Court finds that the petitioners have been behind bars for a substantial period of 2 years 2 months and 22 days and are otherwise not involved in any other case registered under NDPS Act. Conclusion of trial is likely to consume time. Under these circumstances, no useful purpose would be served by keeping the petitioners behind bars. Both 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.
8. A photocopy of this order be placed on the file of other connected case.

11.11.2024
mohan

(GURVINDER SINGH GILL)
JUDGE

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