

CRM-M-60312-2023

2024:PHHC:104844



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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

(216-a)

**CRM-M-60312-2023 (O & M)
Date of Decision:-13.08.2024**

Surinder

.....Petitioner.

Vs.

State of Punjab

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Yashpal Thakur, Advocate, for the Petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case FIR No.81 dated 22.05.2023 under Section 22(c)/61/85 of the NDPS Act and Section 29 of the NDPS Act (added later on) registered at Police Station Sirhind, District Fatehgarh Sahib, Punjab.

2. The brief facts of the case are that on 22.05.2023 at 6.30 pm, Gurmeet Singh and Surinder (petitioner) who were both riding on a motorcycle were apprehended. The recovery of 3000 tablets of *Lomotil* and 8460 tablets of *Lomotil* came to be effected from them.

3. The arrested accused disclosed that they had procured the recovered contraband from a person named Raj Kumar. He was nominated as an accused in the present case on 23.05.2023.

Raj Kumar disclosed that he had purchased the intoxicating



tablets from Sami Akhtar Qureshi which he had sold to Surinder and Gurmeet Singh.

Based on the said statement, Sami Akhtar Qureshi was arrested and the recovery of 35,400 intoxicant tablets of *Lomotil* came to be effected from him.

On the disclosure statement of Sami Akhtar Qureshi, Farooq and Mujamil were nominated as accused. Both were arrested on 24.05.2023. Farooq got recovered 34,800 tablets of *Lomotil* whereas Mujamil got recovered 11,400 tablets of *Lomotil*.

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact, he was picked up on 22.05.2023 at 11.54 am from the Market where he was running a shop in the name and style of Abishek General Store. It was later that his arrest had been shown at 6.30 pm from a different place i.e. Anaj Mandi, Sirhind. In fact, the recovery had been planted upon the petitioner after he had been kept in illegal custody. There were violations of the mandatory provisions of the NDPS Act regarding search and seizure such as Sections 42 and 50. As the petitioner was in custody since 22.05.2023 but none of the 32 prosecution witnesses had been examined, the Trial of the present case was not likely to be concluded anytime soon. Therefore, he was entitled to the concession of bail.

5. The learned counsel for the State, on the other hand, while referring to the status report/reply dated 26.02.2024 contends that the allegations against the petitioner that he had been picked up in the morning at 11.54 am from his shop were baseless. In fact, the petitioner had been brought to CIA Staff, Sirhind with respect to the investigation of FIR No.12



dated 13.02.2023 under Section 22C, 29 NDPS Act, PS Bassi Pathana. He had been let go off after a written assurance of local respectable persons. Later on, on the same evening, the petitioner had been apprehended alongwith his co-accused Gurmeet Singh and was found in possession of contraband. He, therefore, contends that keeping in view the allegation levelled against the petitioner, he was not entitled to the concession of bail.

6. I have heard the learned counsel for the parties.

7. Initially, the petitioner had been granted the concession of interim bail vide order dated 27.02.2024 on the arguments raised by the petitioner that he had been picked up in the morning and implicated in the present case.

8. The State has filed a reply Para 11 of which reads as under:-

11. That it is relevant to mention here that as regards the allegations that the petitioner had been picked up by the police on 22/05/2023 and later on, implicated in present case/FIR No. 81 (supra) are concerned it is submitted that the police of CIA, Sirhind had brought the petitioner to CIA Sirhind at around 11:30 AM in connection with the investigation of FIR No. 12 dated 13/02/2023 u/s 22C, 29 NDPS Act PS Bassi Pathana however, finding no substantiative evidence against him, he was let go on the written assurance of local respectable persons i.e., Ved Parkash and Paramjit Singh residents of District Fatehgarh Sahib. In this regard, DDR No. 17 dated 22.05.2023 was also registered at CIA Sirhind, District Fatehgarh Sahib.

9. Apparently, the petitioner was picked up in the morning and taken to CIA Staff, Sirhind where as per his case, he was kept in illegal confinement and falsely implicated in the present case. The case of the State, on the other hand, is that he was picked up, interrogated and



thereafter, let go off. However, he was arrested in the evening when he was found in the possession of the contraband.

10. Be that as it may, without going into the rival contentions of either parties but keeping in view the fact that the petitioner is a first-time offender, is in custody since 22.05.2023, till the time when he was granted the concession of interim bail on 27.02.2024 and none of the 32 prosecution witnesses have been examined so far, the Trial of the present case is not likely to be concluded anytime soon and therefore, the interim bail granted to the petitioner vide order dated 27.02.2024 is made absolute subject to his furnishing requisite fresh bail bonds and surety bonds to the satisfaction of the CJM/Duty Magistrate concerned.

11. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present one.

12. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

13. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 13, 2024
sukhpreet

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No