

2024:PHHC:156870



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

Sr. No.223

**CRM-M-58415-2024(O&M)
Date of decision : 27.11.2024**

Surinder Singh @ Shailender @ Bouna

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. L.S. Sekhon, Advocate, for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.128 dated 28.06.2023 under Sections 22 & 29 of NDPS Act, registered at Police Station Lehra, District Sangrur.

2. The translated version of the FIR is reproduced below:-

“To the SHO PS Lehra, Jai Hind. Sir Today I SI along with HC Gursewak Singh 745/SGR, CT Sandeep Singh 989/SGR, SCT Hardeep Dass 197/SGR and PHG Iqbal Khan 26720 in Govt. vehicle bearing registration no PB-13BE-3707 being driven by HC Anwar Khan 817/SGR having laptop, printer, inverter along were present at Giddriani Road, near Bus Stand village Haryeo in relation to patrolling and checking of suspicious persons, vehicles. Meanwhile time around 8:15 PM a secret informer came present and informed to I SI that Sukhwinder Singh Karma son of Darshan Singh resident intoxicant of are habitual Haryao the tablets by bringing of selling same from outside. The said Sukhwinder Singh Karma used to bring intoxicant tablets from outside by using his car Dzire of white color make Swift registration no PB-13BC-0572.

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Today bearing the said Sukhwinder Singh Karma in his said car make Swift Dzire of white color bearing registration no PB-13BC-0572 will come towards his village Haryeo by bringing heavy quantity of intoxicant tablets from outside. If barricading be conducted immediately in planned manner at Chowk situated on the road leading towards village Sangatpura from village Haryeo, near Bridge of Minor Canal village Giddriani then said Sukhwinder Singh Karma can be apprehended in his said car along with heavy quantity of intoxicant tablets. Information is reliable and credible. Memo of written secret information under section 41(1) of NDPS Act was prepared separately regarding receiving of secret information. Memo was being signed by witnesses. The act of said Sukhwinder Singh @ Karma son of Darshan Singh resident of Haryeo by keeping in his possession intoxicant tablets after bringing the same from outside and selling them further fulfils the ingredients of commission of offence under section 22/61/85 NDPS Act. Therefore I SI am sending ruqa to PS Lehra by hand PHG Iqbal Khan 26720 after getting it typed laptop and taking its printout for the registration of case against said Sukhwinder Singh Karma son of Darshan Singh resident of Haryeo under the said offence. Kindly inform the file no after registering the case and inform the control room Sangrur. I SI along with fellow policemen am leaving for conducting barricading at Chowk situated on the road leading towards village Sangatpura from Haryeo, near Bridge of Minor Canal village Giddriani. In the revenue limits of near Bus Stand village Haryeo, Giddriani Road at 8:50 PM Sd/ Jaswinder Singh SI, CIA Sangrur dated 28.06.2023.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. The petitioner has not been named in the FIR and he has been nominated as an accused on the basis

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of disclosure statement of the co-accused-Paramjit. He further submits that there is no recovery from the petitioner. The petitioner has undergone an actual custody of 01 month and 08 days and there is no other criminal case registered against him. Similarly situated co-accused- Rupinder Singh and Sinder Kaur have been granted the concession of regular bail vide order dated 19.03.2024 (Annexure P5) passed in CRM-M-7544 & 9023 of 2024 and co-accused have also been granted the concession of anticipatory bail vide orders dated 06.03.2024 passed in CRM-M-4410-2024 and CRM-M-5490-2024 (Annexures P3 & P4) and dated 25.10.2024 passed in CRM-M-33310-2024 (Annexure P6).

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 01 month and 08 days and there is no other criminal case registered against him. He however, submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, The petitioner has undergone actual custody of 01 month and 08 days and there is no other criminal case registered against him. No recovery has been effected from

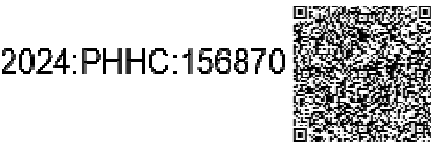
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Kaur have been granted the concession of regular bail vide order dated 19.03.2024 (Annexure P5) passed in CRM-M-7544 & 9023 of 2024 and co-accused have also been granted the concession of anticipatory bail vide orders dated 06.03.2024 passed in CRM-M-4410-2024 and CRM-M-5490-2024 (Annexures P3 & P4) and dated 25.10.2024 passed in CRM-M-33310-2024 (Annexure P6). The conclusion of the trial will take a considerable time. Therefore, this Court is of the considered view that further incarceration of the petitioner will not serve any purpose.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the



facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

27.11.2024
Ramandeep Singh
Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No