

235 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.64399 of 2023 (O&M)
Date of decision : 08.01.2024

Buta Singh Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Ajaypal Singh Sandhu, Advocate for the petitioner.

Mr. J.S.Arora, DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.163 dated 17.09.2023 registered under Sections 21/23/61/85 of NDPS Act at Police Station Sadar, Ferozepur, Punjab.

2 As per the contents of the FIR, it has been alleged as under :-

“On 17th September 2023, at about 04:10 hrs forward deployed troops (HIT No. 06 & 07) of BOP Satpal heard a humming/buzzing sound of a suspected flying object/UAV coming from Pak side to India side in the alignment between BP No. 188 M in AOR of BOP Satpal D Coy 116 Bn. The forward deployed troops fired 38 rounds from their personal weapons ie. 29 rds of 5.56 mm and 9 rds of 9 mm. The drone returned to Pak Side in the same alignment at about 04:10 hrs. The drone remained in Indian Territory for about 20 seconds only. The troops deployed along the fence heard a thud sound of suspicious item being dropped approx. 180 mtrs from the BS Fence. Point of Occurrence: Lat/Long 31.0219.28"/74.33'34.46". In alignment between BP No. 188M Distance from IB approx 30 mtrs. Distance from BS Fence approx 10 mtrs, Distance from BOP Satpal approx 150 mtrs, Distance from Pak BOP Raja Saheed 01 Wing SR approx 850 mtrs. Coy Comdr Sh. Leo Arulldhas, AC along with 01 SO & 02 ORS immediately rushed

towards the point of occurrence at about 0420 hrs. Depth Ambush was already in place at Tindiwala Village, Chandiwala Village and Jalloke Mor. Insp Ajeet Kumar along with 04 ORS incl G Rep rushed to the depth area in the alignment of the Drone's alleged flight path. Upon thoroughly searching the area behind the fence 01 packet with yellow coloured adhesive tape packing was recovered in the nearby field behind the fence on own side at about 0635 hrs. The gross weight of the package is about 2.355 kgs and net weight is about 2 kgs. Point of Occurrence of Recovery: Lat/Long-31.02'04.55°174.33'30.56" in alignment between BP No. 188M Distance from IB Approx 380 mtrs, Distance from BS Fence approx 350 mtrs. Distance from BOP Satpal approx 450 mtrs. Distance from Pak BOP Raja Saheed 01 Wing SR approx 1300 mtrs. Nothing else was recovered in the searched area.

2. It is pertinent that one LCV (Honda City Sedan) with Reg. No. HR 13 J 5225 was seen near the dropping point at about 0350 hrs. The said vehicle was thoroughly searched and the documents were checked. Upon checking the registration details of the vehicle the owner of the vehicle is found as Mr. Parveen Kumar S/o Om Parkash Malik (resident of Haryana). Upon further checking of documents, none of the documents were found to be in order. It appears that the vehicle may have been misused or stolen. The vehicle was handed over to personnel of PS Sadar Ferozepur. Further, the drone was used for carrying out smuggling activities into Indian territory. It is presumed that smuggler/suspected persons, may be present in the village Gatti Rajoke and/or nearby places. Their names are as follows: 1. Jagdish Singh S/o Ninder Singh (age approx. 24 years resident of Gatti Rajoke) 2. Butta Singh S/o Munsha Singh (age approx. 50 years resident of Gatti Rajoke)

3. Bittu Singh S/o Kultar Singh (age approx. 35 years resident of Gatti Rajoke) Their movement is suspicious and may be likely involved in the said UAV/Drone incident."

3 The reason for implicating the petitioner is with respect to his movement noticed by BSF authorities in the area from where the recovery of 2 kg of heroin was effected. Though the contraband stated to have been recovered is of commercial nature, however, it is not disputed that the petitioner was not found in conscious possession of any contraband. As per

prosecution, petitioner is a suspect due to movement noticed by BSF authorities in the area of recovery.

4 Learned counsel for the petitioner submits that the petitioner has clean antecedents and is behind bars since 27.10.2023.

5 Learned State counsel is not in a position to dispute the aforementioned factual assertions based on record.

6 I have heard learned counsel for the parties and have gone through the records of the case.

7 Without commenting on the merits of the case and keeping in view the incarceration suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

- (i) *The petitioner shall not mis-use the liberty granted.*
- (ii) *The petitioner shall not tamper with any evidence oral or documentary during the trial.*
- (iii) *The petitioner shall not absent himself on any date before the trial.*
- (iv) *The petitioner shall not commit any offence while on bail.*
- (v) *The petitioner shall deposit his passport, if any with the trial Court.*
- (vi) *The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.*
- (vii) *The petitioner shall not in any manner try to delay the trial.*

8 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

08.01.2024

Pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

Yes
No