



**233 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-43715-2024 (O&M)
Date of Decision: 23.01.2025**

SAMSHER SINGH ALIAS MUNSHI ALIAS BUNTY ...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

2. CRM-M-37070-2024

RUPIINDER SINGH ALIAS BHINDA

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Bhisham Kinger, Advocate
for the petitioner in CRM-M-43715-2024.

Mr. Amit Arora, Advocate
for the petitioner in CRM-M-37070-2024.

MANJARI NEHRU KAUL, J. (Oral)

CRM-44339-2024 in CRM-M-43715-2024

The present application has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, for amendment in the head note and prayer clause.

For the reasons mentioned in the application, same is allowed as prayed for.

CM stands disposed of.

Main cases

1. The present petitions have been filed for grant of regular bail to



the petitioner in case FIR No. 172 dated 23.09.2023 under Sections 399, 402 IPC and Section 25 of the Arms Act, Section 21 and 29 of the NDPS Act, (offense under Section 216, 307, 186 and 353 IPC added later on and offense under Section 21 of the NDPS Act converted to Section 22 of the NDPS Act), registered at Police Station, Sadar Tarn Taran, District Tarn Taran.

2. Learned counsel for the petitioners contends that both the petitioners have been in custody since 23.09.2023 on the allegations that they were part of a gang which has been indulging in criminal activities like snatching, robbery and offenses under Section NDPS Act. It has been contended that the petitioners were alleged to have been apprehended with *datar* on a secret information, however, even as per the case of the prosecution other than that their presence being shown along with the co-accused at the relevant time, no other role much less any injury has been attributed to them. He further submits that infact it has been alleged in the FIR in question that one of the co-accused Avtar Singh @ Sahil had fired towards Inspector Prabhjit Singh, however, Inspector Prabhjit Singh did not receive any injuries at the hands of co-accused Avtar Singh @ Sahil. It has been further contended that after the co-accused Avtar Singh @ Sahil was arrested pursuant to his disclosure statement, recovery of 310 gms of heroin was made, no such recovery of any contraband much less heroin, was made from either of the petitioners. Learned counsel for the petitioner has still further asserted that although as per the case of the prosecution, a secret information was received that the petitioners were part of a gang which was



involved in criminal activities, however, it is a matter of record that petitioner have no previous criminal antecedents which clearly points to their false implication in the present case. It has also been argued by learned counsel that since investigation in the present case is complete and charges were framed thereafter on 28.08.2024. Further incarceration of the petitioners would serve no useful purpose as the possibility of trial concluding in the near future looks remote with only 01 out of the 21 prosecution witnesses having been examined till date.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner has not disputed that both the petitioners have been in custody since 23.09.2023 and till date only 01 prosecution witness has been examined out of the 21 witnesses cited. Learned State counsel has also not disputed that no role much less any specific injury has been attributed to the petitioners, and it was only co-accused Avtar Singh @ Sahil who had allegedly fired towards Inspector Prabhjit Singh, and the said Inspector had not sustained any injuries in the occurrence in question. On a pointed query posed to the State counsel, as to whether any recovery of contraband had been made from the petitioner, he on instructions, has replied in the negative. However, it has been contended that when the petitioners were arrested, both of them were armed with *datars* and the said weapons were then recovered by the Police.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioners have been in custody since 23.09.2023 and till



date only 01 prosecution witness out of the 21 cited has been examined. The petitioners are not stated to be involved in any other criminal case much less under the NDPS Act. The possibility of the trial concluding in the near future looks remote.

6 In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of same.

8. A photocopy of the order be placed on the file of other connected case.

(MANJARI NEHRU KAUL)
JUDGE

23.01.2025

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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*