



226

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

CRM-M-45949-2024**Date of decision : 24.02.2025****Tarsem Singh****....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

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

Mr. J.S. Arora, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.306 dated 04.10.2023, under Sections 21(c) & 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Special Task Force, District STF Wing, SAS Nagar, Mohali.

2. Succinctly the facts of the case are that the police party on 04.10.2023, received a secret information to the effect that Amolak Singh @ Anmol along with Rekha wife of Tarsem Singh and Vikramjit Singh @ Vishal were involved in selling heroin and they were present at Tarn Taran Chowk Adda Jandiala Chowk. If the raid is conducted they can be arrested along with the contraband. On receiving the information, the raiding team was constituted and the raid was conducted at the place, where out of 03 accused as disclosed in the secret information, 02 accused namely Rekha and Anmol were arrested, however, Vikramjit managed to escape. Their search was conducted and from search of Amolak 700 grams of heroin was recovered whereas from Rekha 1 kg 500 grams heroin along with drug money of Rs.2,05,000/- was recovered. They failed to produce any



licence for possession of the contraband and thus, were arrested on spot. On registration of the FIR, investigation commenced and the Vikramjit Singh was declared as proclaimed offender. During investigation, name of the petitioner surfaced on the disclosure statement of Rekha and he was also arrayed as an accused. As the petitioner was already behind bars, hence, he was arrested in this case on production warrants on 17.11.2023. The petitioner approached the Learned Judge, Special Court, Tarn Taran praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge, Special Court, Tarn Taran vide order dated 14.08.2024. Aggrieved by the same, the petitioner approached this Court praying for grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the implication of the petitioner in the present case is totally a misuse of the power by the Investigating Agency. It is submitted that admittedly the petitioner was behind bars in another case, however, after one month of the registration of the present FIR, in a clandestine manner, on the basis of the disclosure statement of co-accused, namely, Rekha, who is none other than wife of the petitioner, he has been arrayed as an accused in the present case. He submits that the allegation against the petitioner that it was at his behest 1.5 kg of heroin was purchased by his wife. He submits that the petitioner was not in a position to be in contact with any person while undergoing the incarceration in other case, hence, his false implication in the present case is writ large. He submits that though the petitioner is behind bars in the present case since 17.11.2023 but as he is undergoing sentence in another case, hence, his incarceration in the present case is not being counted. He submits that even otherwise there is no progress in the trial and hence, in the facts and circumstances of the



case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner. He has produced the custody certificate of the petitioner in Court and submits that the petitioner is a habitual offender, who has been convicted in two other cases of similar nature. He submits that in all there are 04 accused out of which, Vikramjit has already been declared as proclaimed offender. None of the accused has been granted bail in the present case. He, on instructions from ASI Litesh Kumar, submits that out of 19 prosecution witnesses, no one has been examined.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner, at the time of occurrence was behind bars and till date also he is behind bars undergoing the sentence as awarded by the trial Court in other cases. He was arrayed as an accused only on the basis of disclosure statement of the co-accused. The recovery of contraband was also made from the co-accused. The custody certificate produced by the learned State counsel would show that his under trial period in the present case was from 18.11.2023 to 07.01.2024 and thus, the same has been shown as 01 month and 20 days. However, it is not denied that the petitioner is not behind bars in other case. The custody of the petitioner is being counted presently in other cases.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to

the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

24.02.2025
ps-I

(RAJESH BHARDWAJ)
JUDGE

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