



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

CRM-M-35080-2024
Date of Decision:27.01.2025

Sajan Singh @ Lucky ..Petitioner

vs.

State of Punjab ...Respondent

(ii) **CRM-M-48408-2024**

Balveer Singh ..Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Rehat Bir Singh Mann, Advocate
for the petitioner in CRM-M-35080-2024.

Mr. Amit Arora, Advocate
for the petitioner in CRM-M-48408-2024.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. This order shall dispose of two bail petitions i.e. CRM-M-35080-2024, titled as "Sajan Singh @ Lucky Vs. State of Punjab" and CRM-M-48408-2024, titled as "Balveer Singh Vs. State of Punjab", whereby the petitioners in these petitions have prayed for grant of regular bail to them in case FIR No. 31, dated 29.03.2024, registered under Sections 21(c), 29 of NDPS Act (added later on), Police Station Bhikhiwind, District Tarn Taran, Punjab (Annexure P-1).

2. Learned counsel appearing on behalf of the petitioner Sajan Singh

@ Lucky (petitioner in CRM-M-35080-2024) submits that as per the case of the prosecution, Ajay and Ashish @ Ashu, accused were arrested by the police, while they were carrying 02 Kilograms of heroin, without any permit or license. He further contends that the petitioner was not named in the FIR nor there is no averment in the FIR, which even remotely connects the petitioner with the present crime. Learned counsel further contends that later on, on the basis of disclosure statement suffered by co-accused, the petitioner was nominated as an accused in present case on 30.03.2024 and was arrested by the police. It has been falsely shown that 100 grams of heroin was allegedly recovered from the present petitioner. Learned counsel further contends that after his arrest, the investigation has already been completed and the challan has been presented against him. However, no witness has been examined so far.

3. On the other hand, learned counsel appearing on behalf of the petitioner Balveer Singh (petitioner in CRM-M-48408-2024) submits that the petitioner was not named in the FIR and had no connection with the contraband, which was allegedly recovered from Ajay and Ashish @ Ashu. He further contends that the petitioner was wrongly arrested in the present case on 11.06.2024 and no recovery was effected from him. Learned counsel further contends that after the presentation of the challan against the petitioner, no witness has been examined so far.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner Sajan Singh @ Lucky (petitioner in CRM-M-35080-2024) on the ground that Sajan Singh @ Lucky (petitioner in CRM-M-35080-2024) is involved in two more cases in 379-B of IPC, whereby, Balveer Singh (petitioner in CRM-M-48408-2024) is involved in two more cases of NDPS Act. However, he admits that only 100

grams of heroin was recovered from Sajan Singh @ Lucky (petitioner in CRM-M-35080-2024) and no recovery was effected from Balveer Singh (petitioner in CRM-M-48408-2024).

5. I have heard the learned counsel for the parties and perused the record carefully.

6. In the present case, it is an admitted fact that only Ajay and Ashish @ Ashu were arrested by the police, while they were carrying 02 Kilograms of heroin in their conscious possession. The police had recovered 100 grams of heroin from Sajan Singh @ Lucky (petitioner in CRM-M-35080-2024), which is non-commercial in nature, whereas, no recovery was effected from Balveer Singh (petitioner in CRM-M-48408-2024). Moreover, the investigation qua the petitioners has already been completed and the challan has already been presented before the competent Court. Further, no witness has been examined so far and there is remote possibility of early conclusion of the trial.

7. Without commenting on the merits of the case, the present petitions are allowed. The petitioners are ordered to be released on bail pending trial on their furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioners 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 them to disclose such facts to the Court or to any other authority.

(ii) The petitioners shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioners shall not absent themselves from the Court proceedings except on the prior permission of the Court

concerned.

(iv) *The petitioners shall surrender their passport, if any, (if already not surrendered), and in case they are not holder of the same, they shall swear an affidavit to that effect.*

(v) *The petitioners shall also file their affidavit before the concerned Court, mentioning their ordinary place of residence and number of mobile phone, which shall be used by them during the pendency of the trial. In case of change of place of residence/mobile number, they shall share the details with the concerned Court/learned Trial Court.*

(vi) *In case, the petitioners are involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*

(vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioners.*

8. In case, the petitioners violate any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to them shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

27.01.2025
hitesh

(N.S.SHEKHAWAT)
JUDGE

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