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

**CRM-M-12051-2025  
Date of decision : 01.04.2025**

**Jeewan Singh @ Fuman****.....Petitioner**

**versus**

**State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Rahul Aggarwal, Advocate  
for the petitioner.

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

**RAJESH BHARDWAJ, J. (Oral)**

1. Petitioner has approached this Court by way of filing the present petition praying for grant of regular bail to him in case FIR No.260 dated 27.09.2013, under Section 21 of the NDPS Act, 1985 and Section 25 of the Arms Act, 1959, registered at Police Station Chheharta, District Amritsar.

2. Succinctly facts of the case are that on 27.09.2013, the police received a secret information to the effect that Sukhwinder Singh @ Sukhi, Jiwan Singh @ Fuman Singh (petitioner) were carrying illegal Arms in Car No.PB-02-AD-4977 make Zen of Pista Colour. In case of barricading, they could be arrested along with illegal Arms. On receiving the secret information, barricading was laid and the car as disclosed was seen coming in which the Sikh person was driving the car whereas, a clean shaven person was sitting on the adjacent seat of the car. On asking, the driver of the car disclosed his name to be Sukhwinder Singh @ Sukhi whereas the person sitting by side disclosed his name to be Jiwan Singh @ Fuman Singh. Their search was conducted and 32 bore pistol was



recovered from the driver. Besides this, from Sukhwinder Singh, an intoxicating powder weighing 710 grams was also recovered. They failed to produce any license regarding the possession of the Arms and the intoxicating powder and thus, FIR was registered and they were arrested on the spot. Thereafter, the petitioner was granted default bail but he jumped the bail and thus, was declared Proclaimed Offender vide order dated 02.09.2015. Thereafter, the petitioner was arrested on 14.09.2022 i.e. after about 07 years of having been declared proclaimed offender. He approached the Court of learned Judge(Special Court), Amritsar praying for grant of bail. However, after hearing counsel for the parties, learned Judge (Special Court) declined the same vide order dated 14.03.2023. Hence being aggrieved, petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case. He submits that the FIR in this case was registered on the basis of secret information however, the same is a planted case. He submits that the alleged recovery of pistol has also been planted upon the petitioner. He submits that even otherwise, intoxicating powder weighing 720 grams was recovered from co-accused Sukhwinder Singh @ Sukhi and not from the petitioner. It is submitted that the petitioner was declared proclaimed offender as he was arrested in another case. He submits that during this period, the co-accused were tried by the trial Court. He further submits that co-accused Sukhwinder Singh was acquitted for the charges under the NDPS Act but convicted under the Arms Act whereas, Kulwant Singh was acquitted of both the charges. He submits that the petitioner is behind bars from the



last more than 03 years however, the prosecution has not been able to conclude the trial. It is submitted that though the petitioner was roped in one more FIR No.263 dated 29.09.2013, under Sections 21/29/61/85 of the NDPS Act, P.S. Chherretta but he was acquitted in the same.

4. Status report by way of an affidavit of Mr. Shivdarshan Singh, Assistant Commissioner of Police, West, Amritsar filed by learned State counsel is taken on record. He however, has opposed the submissions made by counsel for the petitioner. He submits that there was a specific information in the secret information provided about the petitioner. He submits that the recovery of pistol was effected from the petitioner on the spot. He submits that petitioner was granted default bail but he jumped the bail and hence, was declared as Proclaimed Offender vide order dated 02.09.2015. He further submits that petitioner remained Proclaimed Offender for about 07 years and hence, thereafter, was arrested on 14.09.2022. It is submitted that co-accused duly faced the trial and thereafter, they were acquitted of the charges under the NDPS Act. He further submits that out of 16 prosecution witnesses, 05 witnesses have been examined and as the petitioner already remained Proclaimed Offender for 07 years, he does not deserve the concession of bail.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested in the present case initially on 27.09.2013. Though he was granted default bail but as he jumped the bail hence, he was declared Proclaimed Offender and hence, thereafter was taken in custody on 14.09.2022. Custody certificate produced by the State would show that petitioner has suffered incarceration of 03 years and 21 days as on 31.03.2025. Though there were 02 other cases under the



NDPS Act against the petitioner however, as per the custody certificate, he was acquitted in both the cases. The co-accused who were tried by the trial Court, in his absence have also been acquitted by the trial Court of the charges under the NDPS Act.

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. 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.

**01.04.2025**  
*m.sharma*

**( RAJESH BHARDWAJ )**  
**JUDGE**

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