

(2021) 09 P&H CK 0009

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 36128 Of 2021

Anjul Sodhi @ Sodhi

APPELLANT

Vs

State Of Punjab

RESPONDENT

Date of Decision : 07-09-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 21

Citation : (2021) 09 P&H CK 0009

Hon'ble Judges : Arvind Singh Sangwan, J

Bench : Single Bench

Advocate : Sandeep Verma, Joginder Pal Ratra

Final Decision : Allowed

Judgement

Arvind Singh Sangwan, J

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 0135 dated 27.05.2020, registered under Section 21 of the NDPS Act, 1985 at Police Station City Kharar, District Mohali, Punjab.

Learned counsel for the petitioner relies upon the order dated 16.08.2021 vide which, three of the co-accused namely Neelu, Ravi Verma and Parvar Singh were granted the concession of regular bail by this Court.

The operative part of the order reads as under:-

" ...Learned counsel for the petitioners submit that the FIR was registered on the complaint given by ASI Gurpreet Singh with the allegations that while on patrol duty for checking suspected persons, a secret information was received that Anjul Sodhi @ Sodhi, Parvar Singh, Ravi Verma and Uttam are doing the business of selling intoxicant substances and they are coming together in a car bearing registration No.HR-24U-0843, white coloured Swift and if barrier is laid, they can

be apprehended with heroin. On receiving the information, a ruqa was sent to the police station and case was registered. Thereafter, a barrier was laid and the police stopped a car bearing registration No.HR-24U-0843 and from its dashboard, 300 grams of heroin was recovered. It is further stated that driver and owner of the car is Anjul Sodhi @ Sodhi, whereas both petitioners Ravi Verma and Parvar Singh were co-passengers in the same. Thereafter, on the same day, at same place, another car bearing registration No.PB-31U-7002 was also stopped, which was driven by coaccused Dalwinder Singh and petitioner Neelu was sitting on the co-driver seat and from dashboard of the car, 01 kg of heroin and Rs.1.00 lac drug money was recovered.

It is common argument on behalf of all the petitioners that they are first offenders and are not involved in any other case. It is further submitted that petitioner Neelu is in custody for the last 10 months and 17 days, petitioner Ravi Verma is in custody for the last 01 year and 02 days and petitioner Parvar Singh is in custody for the last 01 year, 02 months and 08 days, as per the custody certificates filed in the Court today. It is also submitted that challan has already been presented and till date, charges have not been framed, therefore, it will take long time in conclusion of the trial.

In reply, learned State counsel has submitted that recovery was effected in presence of DSP, however, it is not disputed that owner-cum-driver of car bearing registration No.HR-24U-0843 was Anjul Sodhi @ Sodhi and second car bearing registration No.PB-31U-7002 was driven by Dalwinder Singh. Learned State counsel could not dispute that all three petitioners are not involved in any other case, however, it is submitted that co-accused Dalwinder Singh is involved in as many as 07 FIRs and on his disclosure statement as well as petitioner Neelu, one more person namely David was also nominated and after his arrest, 02 kg and 200 grams of heroin was recovered.

Learned State counsel has further submitted that as per the investigation, petitioner Neelu was girl- friend of aforesaid Dalwinder Singh.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioners are first offenders; they are in long custody; challan stands presented; charges are yet to be framed, therefore, it will take some time in conclusion of the trial and also in view of the fact that all three petitioners were co-passengers in their respective cars, which are owned and driven by two co-accused, therefore, it will be a matter of trial whether the petitioners were in conscious possession of the contraband and were having knowledge that drivers- cum-owners of the cars were carrying intoxicant substance in the dashboard of both the cars and also considering the fact that one of the petitioner is a lady and has her own family to support and out of total 17 prosecution witnesses, none has been examined so far, I deem it appropriate to grant regular bail to all the petitioners."

For the sake of brevity, the facts of the case are not reproduced here again.

Learned counsel for the petitioner submits that the allegations against the petitioner i.e. Anjul Sodhi @ Sodhi are identical to that of Ravi Verma and Parvar Singh.

Learned counsel for the petitioner further submits that the petitioner is in judicial custody for the last about 01 year and 03 months and is not involved in any other case.

Learned State counsel has filed the custody certificate in Court and does not dispute the factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case and in view of the facts and circumstances of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

It will be open for the prosecution to apply for cancellation of bail, in case the petitioner is found misusing the concession of bail, in any manner.