

SUCHA SINGH VS STATE OF PUNJAB

**IN THE COURT OF SH. SHATIN GOYAL, JUDGE SPECIAL
COURT, JALANDHAR (UID No. PB0157) (NRI Court)**

**CIS Case No : BA-1914 of 2019
CNR No : PBJL01-012631-2019
Date of Institution : 06.05.2019
Date of Order : 22.05.2019**

Sucha Singh, aged about 21 years son of Jarnail Singh, resident of Village Lattianwal, Tehsil Sultanpur Lodhi, District Jalandhar.

...Applicant-accused

Versus

State of Punjab.

**FIR No.01 dated 09.01.2019
U/s 21/29/61/85 NDPS Act.
P.S. Sadar Nakodar, Jalandhar.**

First Bail Application U/s 439 Cr.P.C.

Present: Sh.S.K.Kapoor, Advocate, counsel for applicant-accused.
Sh.Maneet Duggal, Additional P.P for the State.

ORDER:

1. Heard on the regular bail application of applicant-accused Sucha Singh.
2. The case of the prosecution is that one Abraham Lalrinnggheta was intercepted by the police on 09.01.2019 and from his possession 3 kg 70 grams heroin was recovered and proceedings under Section 21 of NDPS Act were initiated against him. FIR was registered and he was arrested. During interrogation/investigation of that accused, he made disclosure statement to the police that Sucha Singh accused is also

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involved in this transportation. Said Sucha Singh used to make Whatsapp call from his telephone No.89682-74196 to mobile phone of Abraham Lalrinnggheta bearing No.94363-84167. At the instance of Sucha Singh, he had come to Kang Sabu Bus Stand. On the basis of these leads, call details and other information of this mobile No.89682-74196 were obtained. The said phone number was issued in the name of one Malkit Singh and this phone number was lying inoperative since 10.01.2019. IMEI number was obtained and on that basis, it was found that on this telephone number, another number 62399-12452 was also used, which was issued in the name of Sucha Singh. Mobile No.89682-74196 was already in operation. After 15.01.2019, it was found that on this IMEI number, one another phone No.62831-89624 was being operated upon, which belonged to Ravinder Singh. Said Ravinder Singh disclosed that he purchased this phone from Sodhi Telecoms, Sultanpur. The owner of this Sodhi Telecoms namely Vijay Singh Sodhi disclosed that this phone was sold to him by Sucha Singh accused, for which he had obtained even aadhaar card copy from him. On the basis of this investigation, role of Sucha Singh was found to be made out and he was also arrayed as accused in the present case under Section 29 of NDPS Act being part of conspiracy and abatement.

3. Applicant-accused in its bail application claimed that he has been falsely implicated. He is in custody since 13.02.2019. Confessional statement of co-accused is not admissible in evidence. A prayer is made for grant of bail.

4. Learned Additional P.P however, opposed the bail application,

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claiming that commercial quantity is involved. In such like circumstances, bail is not desirable. Rather, real conspirators like applicant-accused does not deserve any leniency.

5. I have considered the rival submissions and am of the opinion that wherever commercial quantity is involved, accused cannot claim bail as a matter of right, rather it is prohibited. The argument of applicant-accused that he had no role, is not convincing. It is to be seen at the stage of evidence. Parameters of bail in a commercial quantity case are entirely different. Here, challan has already been presented and conspiracy is attributed to the applicant-accused. Prima-facie allegations are there on judicial record, duly supported by statements that this applicant-accused was using telephone for facilitating transportation of commercial quantity heroin. The case of the prosecution does not rest upon statement of co-accused alone, but also on technical and forensic details, which prima-facie show that telephone number was used by the applicant-accused from the same IMEI number. Applicant-accused had been connected to the incident for the purpose of trial and there exist reasonable prima-facie evidence. The overall material does not suggest that allegations are result of any victimization. In such circumstances, applicant-accused cannot be held entitled to bail. The judgments Judge Singh Versus State of Punjab, 2015 (5) RCR (Criminal) 696, Pancho Versus State of Haryana, 2011 (4) RCR (Criminal) 665, Afzalkhan @ Babu Murtuzakhan Pathan Versus State of Gujarat, 2007 (3) RCR (Criminal) 247 and Joginder Singh Versus State of Haryana, 2013 (1) RCR (Criminal) 512 cannot be applied in the circumstances as

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supporting material is also there to take a contrary view as prosecution is not relying only upon the statement of co-accused. So, instant bail application is accordingly held to be without merits and the same is hereby dismissed.

6. Nothing observed herein shall have any bearing upon the merits of the case and shall confine its effect only for the purpose of disposal of the present bail application. Record, if any be returned. Bail application file be consigned. Copy of this order be also placed on record by the Ahlmad along with pending remand-papers/challan.

Pronounced in the open Court:
Dated:22.05.2019

Vivek*

Shatin Goyal,
Judge Special Court,
Jalandhar (UID No.PB0157)
(NRI COURT)