

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. 822 OF 2020
(Arising out of SLP(Cr1.) Nos. 4520/2020)

SEESH SINGH @ MOR

...APPELLANT

VERSUS

STATE OF PUNJAB

...RESPONDENT

O R D E R

Leave granted.

This appeal challenges the judgment and order dated 31.8.2020 passed by the High Court of Punjab and Haryana at Chandigarh in CRM-M No. 22329 of 2020 (O & M).

Apprehending arrest in connection with FIR No. 96 dated 4.7.2020 registered with Police Station Jalandhar Rural, Lambran, Punjab in respect of offences under Sections 21 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('the Act' for short), the appellant preferred an application for anticipatory bail. The request having been rejected, the present Appeal has been preferred.

In the present case, one Satnam Singh was apprehended with 20 grms of heroin by the police. However within few days, said Satnam Singh was released on bail vide order dated 10.08.2020 passed by the Special Court, Jalandhar in CIS No. BA/2795/2020. The order granting bail to Satnam Singh was not subjected to any challenge by the prosecution.

The basic allegation against the present appellant is that his name was disclosed by said Satnam Singh, as the person from whom the alleged contraband material was purchased by Satnam Singh.

It is also alleged that the appellant stands charged for offences under Sections 15, 18, 21 and 22 of the Act in connection with FIR No. 31 dated 7.4.2016 registered with Subhanpur District Kapurthala. About 45 persons were initially stated to be involved in that crime and as disclosed in the affidavit in reply in the present matter, 14 persons have presently been charged of having committed the offence. According to the record 100 gms of Alprazolam powder was recovered from the present appellant in that case.

We have heard Mr. IPS Kohli, learned counsel for the appellant and Ms. Jaspreet Gogia, learned counsel for the State. According to Mr. Kohli, quantity of 100 gms Alprazolam cannot be called commercial quantity as what is disclosed in the Schedule to the Notification has to be read in conjunction with Section 2(vii a) of the Act. As per said definition, commercial quantity is one which is greater than the quantity specified by the Notification and since what has been specified in the Notification is 100 gms., if the quantity recovered was greater than 100 gms, then only it could be termed as commercial quantity.

We need not go into the issue, as it is evident that the appellant was bailed out in that matter and presently it is only through the statement of a co-accused that the involvement of the appellant is sought to be made out.

Therefore, without entering into the merits or demerits of the rival contentions, in our view, the appellant is entitled to the facility of anticipatory bail in the present matter.

We, therefore, make the interim order passed by this Court on 27.10.2020 absolute and direct that in case the appellant is arrested in connection with FIR No. 96 dated 04.07.2020 registered with Police Station Lambran, Jalandhar (Rural), Punjab, the Arresting Officer shall release him on bail subject to furnishing of cash security in the sum of Rs.50,000/- with two like sureties.

We also direct the appellant to appear once a week before the concerned Investigating Officer for next three months. He shall accordingly, appear on 8th of December, 2020 and on such date as the Investigating Officer may thereafter deem appropriate.

Needless to say that the appellant shall render complete cooperation in the investigation and shall not misuse his liberty in any manner. Any violation or infraction in that behalf shall entail in cancellation of the facility granted under this order.

With the aforesaid directions, this appeal stands allowed.

.....J.
(UDAY UMESH LALIT)

.....J.
(VINEET SARAN)

NEW DELHI;
DECEMBER 02, 2020.

ITEM NO.16 Court 4 (Video Conferencing) SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SLP(Crl.) Nos. 4520/2020

SEESH SINGH @ MOR

Appellant(s)

VERSUS

THE STATE OF PUNJAB

Respondent(s)

IA No. 105502/2020 - APPLICATION FOR PERMISSION
IA No. 95338/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 100842/2020 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 95340/2020 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 02-12-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s) Mr. I.P.S. Kohli, Adv.
 Mr. Abbula Kalam, Adv.
 Mr. Satish Pandey, AOR
 Mr. Abdul Qadir, Adv.

For Respondent(s) Ms. Jaspreet Gogia, AOR
 Mr. Karanvir Gogia, Adv.
 Ms. Shivangi Singhal, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications, if any, also stand disposed of.

(NEELAM GULATI)
ASTT. REGISTRAR-cum-PS

(PRADEEP KUMAR)
BRANCH OFFICER

(Signed order is placed on the file)