

*Before Gurvinder Singh Gill, J.*

**BALDEV SINGH**—*Petitioner*

*versus*

**STATE OF PUNJAB**—*Respondent*

**CRM–M No.5453 of 2021**

March 3, 2021

*Code of Criminal Procedure, 1973—S.439—Aircraft Act, 1934—Ss.10, 11 and 12— Indian Penal Code, 1860—Ss.411 and 414—Arms Act, 1959—S.25—Narcotic Drugs and Psychotropic Substances Act, 1985—Ss.21 and 23—Regular bail—Allegations that drones used for smuggling contraband and arms etc.—Held, even if it is presumed that it is petitioner, who supplied drones, still fact that he was aware about misuse of drones, is a question which would be debatable—Accused is person stated to be authorized dealer based in Delhi and not stated to be involved in any other case—Petitioner behind bars since last more than 2 months—Identically situated co-accused already granted regular bail—Offences under Sections 10, 11 and 12 of Aircraft Act in any case are punishable for a maximum period of 2 years only—Further, detention of petitioner not serve any useful purpose—Hence, accused entitled for regular bail.*

*Held that*, even if it is presumed that it is the petitioner, who had supplied the drones, still the fact that he was aware about the misuse of the drones, is a question which would be debatable. The petitioner is a person stated to be a authorized dealer based in Delhi and is not stated to be involved in any other case. He has been behind bars since the last more than 2 months. The identically situated co-accused Lucky Sharma has already been granted regular bail vide order dated 02.03.2021. The offences under sections 10, 11 and 12 of Aircraft Act in any case are punishable for a maximum period of 2 years only. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(Para 6)

Raman Chawla, Advocate,  
*for the petitioner.*

Ajay Pal Singh Gill, DAG, Punjab, assisted by  
ASI Rajbir Singh.

**GURVINDER SINGH GILL, J. (Oral)**

(1) The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.202, dated 14.12.2020, Police Station Gharinda, District Amritsar Rural, under Sections 411 and 414 of IPC; Section 25 of Arms Act; Section 21 and 23 of NDPS Act as well as Section 10, 11, 12 of Aircraft Act.

(2) As per the case of prosecution, the police received a secret information on 14.12.2020 to the effect that Bachittar Singh, Lakhbir Singh, Gurbinder Singh in connivance with some unknown persons had constituted a gang and indulged in smuggling of 'Heroin' and arms and ammunition from Pakistan across the international border through drones and supply the same in India. The information was further to the effect that on the said date, Bachittar Singh and Lakhbir Singh were proceeding in a white coloured Scorpio car bearing registration No. HR-35M-3709 for supplying the arms and ammunition smuggled from Pakistan to their customers. Pursuant to receipt of said information, barricading was held and the vehicle in question was intercepted and Bachittar Singh and Lakhbir Singh were apprehended. It is the case of prosecution that 50 grams of 'Opium' was recovered from Bachittar Singh and 10 grams of 'Heroin' was recovered from Lakhbir Singh apart from arms and ammunition. It is further the case of prosecution that during the course of interrogation the aforesaid two accused disclosed that the drones which have been used for smuggling the contraband and arms etc. had been procured through Lucky Dhawan and Lucky Dhawan further disclosed the name of petitioner as the supplier of drones.

(3) Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and has been nominated as an accused on the basis of disclosure statement made by co-accused, the veracity of which would be debatable. It has further been submitted that the petitioner is an authorized dealer at Delhi and selling the drones etc. Learned counsel has further submitted that the petitioner sold the drones to one Lucky Dhawan, as selling or purchasing of drones is not illegal. It has, thus, been submitted that the petitioner cannot be associated with the alleged activities of smuggling which have been carried out by the other accused and that the drones, if any, had been supplied during the course of his business transactions without there

being any intention for their

misuse. It has been further submitted that the identically situated co-accused namely Lucky Dhawan has already been granted bail by this Court vide order dated 02.03.2021 passed in CRM-M-8554-2021.

(4) Opposing the petition, learned State counsel has submitted that since the drones in question were used for nefarious activities including smuggling of drugs and arms from across the border, the petitioner does not deserve any concession of bail. Learned State counsel has further submitted that since the co-accused, who were apprehended at the spot namely Bachittar Singh and Lakhbir Singh in their disclosure statements have specifically nominated the petitioner as well as Lucky Dhawan to be the persons, who had supplied the drones, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 2 months and that he is not involved in any other case.

(5) I have considered rival submissions addressed before this Court.

(6) Even if it is presumed that it is the petitioner, who had supplied the drones, still the fact that he was aware about the misuse of the drones, is a question which would be debatable. The petitioner is a person stated to be a authorized dealer based in Delhi and is not stated to be involved in any other case. He has been behind bars since the last more than 2 months. The identically situated co-accused Lucky Sharma has already been granted regular bail vide order dated 02.03.2021. The offences under Sections 10, 11 and 12 of Aircraft Act in any case are punishable for a maximum period of 2 years only. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

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*Ritambhra Rishi*