

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RAJ KUMAR
2013.08.18 14:43

CRL. MISC. No.M-14853 OF 2015 (O&M)
DATE OF DECISION : 29th July, 2015

Neeraj Kumar

.... Petitioner

Versus

State of Punjab

.... Respondent

CRL. MISC. No.M-22137 OF 2015 (O&M)

Jatinder Kumar @ Tina

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

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Present : Mr. Vikram Preet Arora, Advocate for the petitioner-Neeraj Kumar.

Mr. Amandeep Chhabra, Advocate for the petitioner-Jatinder Kumar @ Tina.

Mr. Amritpal Singh Gill, Assistant Advocate General, Punjab.

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SURINDER GUPTA, J.

1. These petitions have been filed under Section 438 Cr.P.C. seeking anticipatory bail to the petitioners in case bearing FIR No.76 dated 17.09.2014 registered at Police station City Mansa, District Mansa for offence punishable under Section 22 NDPS Act.

2. As per the case of the prosecution FIR in this case was registered on the basis of secret information that the petitioners were selling

intoxicant drugs and injections and on the day of information they were coming on a motorcycle carrying huge quantity of intoxicant drugs and injections. The police held a naka and the petitioners were seen coming on motorcycle carrying to polythene bags on their laps. On signalling to stop they left the motorcycle and fled away. The motorcycle belonged to petitioner-Jatinder Kumar @ Tina. The petitioners were identified at the spot by HC Gurmeet Singh and on the checking of polythene bag intoxicant medicines and injections were recovered.

3. Learned counsel for the petitioner submits that in the FIR the fathers name of petitioner-Neeraj Kumar is mentioned as Naresh Kumar while the petitioner's father's name is Suresh Kumar. The address of the petitioner-Neeraj Kumar is given Ward No.14, Mansa while he is resident of Ward No.22.

4. On investigation by DSP, Mansa the petitioners were found innocent and the FSL report has not been received that the drugs recovered by the police in this case were intoxicant drugs inviting the provisions of NDPS Act.

5. Learned State counsel has argued that there is no dispute regarding identity of the petitioners as they were identified at the spot. The mere mention of father's name of petitioner-Neeraj Kumar as Naresh Kumar instead of Suresh Kumar is a clerical mistake. So far as the address of petitioner-Neeraj Kumar is concerned it was ward No.14, which has now been changed to Ward No.22. Under the orders of this Court passed in CRM-M-4327 of 2015 a special investigation team was constituted to

enquire into the matter and the petitioner has been found to be guilty. The FSL report has been received in this case, as per which the drugs recovered from the petitioner were fall under the psychotropic substances. (copy of the report supplied to counsel for the petitioners).

6. It is not disputed that the psychotropic substance recovered from the spot falls in commercial quantity. Though there is some error in father's name of the petitioner-Neeraj Kumar mentioned in the FIR, yet the identity of the petitioner cannot be disputed as he was identified at the spot. The petitioner-Jatinder Kumar @ Tina is aware that he has been named in this case and had filed CRM-M-4327 of 2015, alleging his false implication. The motorcycle recovered in this case was also of petitioner-Jatinder Kumar @ Tina.

7. The society is facing the menace of drug trafficking and the future of the youth of this country is in peril due to the drug peddlers, who for their monetary gains are out to spoil the youth of the nation. This necessitate that every case relating to drug trafficking and selling and making available drugs to the youth of this country, should be thoroughly investigated. In this case SIT has enquired into the matter and found the petitioners involved in carrying the drugs.

8. Keeping in view the above facts and circumstances and gravity of offence, these petitions have no merits. Accordingly both the petitions are dismissed.

29th July, 2015
'raj'

(SURINDER GUPTA)
JUDGE