

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No. 26088 of 2014(O&M)

Date of Decision :09.01.2015

Amrik Singh alias Amriki

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr.P.S.Rai, Advocate
for the petitioner.
Mr.APS Gill, AAG, Punjab.

- i. Whether Reporters of local papers may be allowed to see the judgment?
- ii. To be referred to the Reporters or not?
- iii. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This is a petition for anticipatory bail filed in case bearing FIR No.53 dated 21.05.2014, under Sections 15/18/21/22/61/85 of the NDPS Act, registered at Police Station Bilga, District Jalandhar.

On 14.08.2014 the following order was passed:-

“ Learned Additional Advocate General states that she has received information that the petitioner is known to have involved in similar activities in the past and prays for a short adjournment to file a detailed affidavit of the investigating officer.

Allowed as prayed for. She is further directed to bring on record in a sealed cover the secret information received by the police.

Adjourned to 28.08.2014.”

Then on 28.08.2014 the following order was passed:-

“ Learned Additional Advocate General seeks more time to file reply in terms of order dated 14.08.2014. She has also produced before the Court a sealed envelope stated to be containing the secret information. Having gone through the same,

it is just a hand written copy of the FIR. Consequently, it is unsealed and the same is returned back to the learned Additional Advocate General because there is hardly any secrecy involved in the same.

Learned counsel for the petitioner states that in case the reply has to be filed and more time is being sought by the State then at least till that date interim protection should be granted to the petitioner.

I find this to be a fair request. Adjourned to 18.09.2014.

In the meantime, arrest of the petitioner shall remain stayed.

Thereafter on 17.11.2014 the following order was passed:-

“ Today the FSL report has been filed as per which all the samples which were sent, were found to have been containing contraband. The argument of learned counsel for the petitioner is that in this case an omnibus FIR was lodged on the basis of a secret information against 13-14 persons who were residents of different places as per which they were all habitual of dealing in drugs. However, by some persons who were raided and drugs were recovered, no application for anticipatory bail has been filed but no recovery was made from the petitioner. Actually these are all cases which have been registered to pad the numbers. Learned Addl.AG, on instructions from Inspector Vijay Kanwar Pal, has accepted the fact that no recovery has been made from the petitioner but states that the father and two brothers of the petitioner are also indulging in this trade and the police had information from many villagers that the petitioner was indulging in this trade. Learned counsel for the petitioner states that even though it is correct that the father and brothers of the petitioner were indulging in such cases, yet the petitioner has never been involved in any such case nor has he indulged in any kind of smuggling and if one opportunity is given to the petitioner to appear before the investigating officer, he will be able to convince him of his bona fides. Learned Addl.AG has very fairly stated that she would have no objection.

In the circumstances the petitioner is directed to appear before the investigating officer on 26.11.2014 between 10.00 a.m. to 4.00 p.m. And on any other date on which his appearance is so required by the investigating officer and the matter is adjourned to 09.01.2015 to await the report of the investigating officer.

Interim order to continue.”

Today learned AAG, on instructions from SI Amarjeet Singh, states that the petitioner appeared before the investigating officer but even till date there is no objective evidence of his involvement and it is also correct that no other case is pending against him.

In the circumstances I do not deem it appropriate to deny bail to

the petitioner. In the event of his arrest, he shall be released on bail to the satisfaction of the Investigating Officer subject to the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure.

Petition stands disposed of.

(AJAY TEWARI)
JUDGE

January 09, 2015

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