

CRM-M-31333-2015

[1]

In the High Court of Punjab and Haryana at Chandigarh.

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Date of Decision:24.09.2015

Harjinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Vivek. K. Thakur, Advocate,
for the petitioner.

Mr. J.S. Sekhon, AAG, Punjab.

SABINA, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.27, dated 05.02.2015, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Mehatpur, Jalandhar City.

As per the prosecution case, petitioner was found in possession of 1 kg. intoxicant powder and as per the report of the Chemical Examiner, the powder contained Nitrazepam.

Learned counsel for the petitioner has submitted that in fact the petitioner was picked up from the mobile shop of Jagdev Singh on 04.02.2015 and on the next day, he was falsely involved in the present case. In this regard learned counsel for the petitioner has shown the photographs of CCTV footage. CD has been placed on record qua the photographs.

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Learned State counsel, on the other hand, has opposed the petition and has submitted that on 04.02.2015, petitioner had only been taken out of the shop on the basis of suspicion but nothing was recovered from him and he was allowed to go. However, on the next day, petitioner was found in possession of the contraband and FIR was registered against him.

Petitioner is in custody since 05.02.2015. Challan has already been presented in the Court.

Keeping in view the fact that the petitioner was taken away by the police authorities on 04.02.2015 from the mobile shop and the fact that on the next day FIR in question was registered against the petitioner, it would be just and expedient to order the release of the petitioner on bail.

Accordingly, without expressing any opinion on the merits of the case, this petition is allowed. Petitioner be admitted to bail subject to the satisfaction of Chief Judicial Magistrate, Jalandhar.

September 24, 2015
kapil

(SABINA)
JUDGE