

In the High Court of Punjab and Haryana at Chandigarh

PARAMJIT KAUR SAINI
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CRM-M-42272 of 2014

Date of Decision: 18.02.2015

Amritpreet Singh alias Robby alias Amitpreet Singh

---Petitioner

versus

State of Punjab

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. S.S.Salar, Advocate
for the petitioner

Mr. Gazi Mohammad, DAG, Punjab
for the respondent-State

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

REKHA MITTAL, J.

The petitioner prays for grant of regular bail in FIR No. 107 dated 4.11.2013 at Police Station Bhadson, District Patiala for offence punishable under Sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short "the Act").

Counsel for the petitioner contends that the petitioner sustained injuries reflected in his medico legal report on 4.11.2013 at 11-00 p.m. and this fact alone is sufficient to create a serious doubt in the story of the prosecution that the petitioner was carrying contraband at 6-00 p.m. on that day when he had injuries on his occipital region and temporal region. It is further argued that a false case has been registered against the petitioner as he refused to compromise the matter in regard to sustaining

of injuries at the hands of Gogi. No independent witness was joined during recovery proceedings when otherwise alleged recovery was statedly effected at the bus stand. The petitioner is in custody since registration of the case and he is ready to face proceedings without any default.

Counsel for the State of Punjab, in line with the reply filed by Chand Singh, Deputy Superintendent of Police, Headquarter Patiala holding charge of Sub Division Nabha on behalf of respondent-State has submitted that injuries on person of the petitioner were found to be simple in nature falling within the ambit of Section 323 of the Indian Penal Code. The alleged recovery effected from the petitioner falls within the purview of commercial quantity. The trial is pending in the Court and 03 witnesses have already been examined and remaining 05 would be produced before the Court on the date fixed and every effort would be made to conclude evidence of the prosecution on the next two dates.

I have heard counsel for the parties and perused the records.

There is no such material available on record that the investigating officer had any personal interest in the person at whose hand, the petitioner sustained injuries to accept version that a false case has been registered against him for his refusal to compromise the matter. The charge has already been framed and trial is progressing well. Counsel for the State has assured the court that presence of remaining witnesses would be ensured on the next two dates to be fixed for prosecution evidence.

Keeping in view the provisions of Section 37 of the Act, I do not think it to be a fit case wherein the petitioner deserves to be enlarged on

bail.

Dismissed.

However, the trial court shall put its best efforts to conclude the prosecution evidence on the next two dates to be fixed for the purpose.

(REKHA MITTAL)
JUDGE

18.02.2015
PARAMJIT