

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-14239-2016 (O&M)

Date of decision: 19.08.2016

Amandeep Kumar @ Jonny

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Piyush Sharma, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by ASI Joginder Singh.

Jitendra Chauhan, J. (Oral)

CRM-23233-2016

Allowed. Letter (Annexure P-8) is taken on record subject to all just exceptions.

Main case

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.3 dated 05.01.2015, registered under Section 22 of the NDPS Act, at Police Station Lakho Ke Behram, Distt. Ferozepur.

It is contended that on 03.01.2015 at 2.30 p.m., the petitioner had some altercation with one SI Om Parkash Handa, the then Station House Officer, Police Station Lakho Ke Behram. The petitioner was arrested immediately. On the same date at 8.30 p.m., the family of the petitioner sent a representation (Annexure P-1) through fax. The receipt thereof is attached as Annexure P-2. When no action was taken, the brother

of the petitioner addressed a communication to the DIG, Ferozepur Range (Annexure P-3) alleging false implication of the petitioner. A copy thereof was also addressed to the Registrar of this Court. The postal receipt reflecting the time of dispatch as 14.54 hrs. is attached as Annexure P-4). The same was treated as criminal writ petition (habeas corpus petition) viz. CRWP-170-2015, and decided on 19.02.2015 on the statement of the I.O. that the petitioner has been taken into custody on 15.01.2015 in case FIR No.3 dated 05.01.2015 registered at 18.50 hrs. It is to be noticed that the writ petition was dismissed without any assistance from the petitioner.

On the other hand, the learned State counsel opposes the prayer of bail. She, on instructions, submits that the trial is in progress and out of sixteen prosecution witnesses, two have already been examined. She fairly concedes that the petitioner is not involved in any other FIR.

I have heard learned counsel for the parties and perused the record.

The petitioner is a young man of 30 years working as a goldsmith. There is nothing on record to show that any action was taken by the authorities on the representation moved by the brother of the petitioner. He is not involved in any other FIR. Though, the quantity of contraband allegedly recovered from the petitioner falls under the category of commercial quantity wherein the Courts are hesitant to grant bail, but considering the facts of the case, the possibility of false implication of the petitioner at the behest of the then SHO, P.S. Lakho Ke Behram, cannot be ruled out.

Accordingly, without advertng to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the

pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion of the Court on the merits of the case.

19.08.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No