

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

**CRM-M No.4192 of 2016 (O&M)
Date of Decision: 10.02.2016**

Vaneet Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. D.S.Malwai, Advocate for the petitioner.

Mz. Rimplejeet Kaur, Assistant Advocate General, Punjab
for the respondent/State assisted by ASI Kashmir Singh.

JASWANT SINGH, J. (Oral)

Prayer is for grant of regular bail under Section 439 Cr.P.C. on behalf of the petitioner/accused in case FIR No.47 dated 14.03.2015, under Sections 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, registered with Police Station City Sunam, District Sangrur (**Annexure P-1**).

On a secret information, a raid was conducted at a Shop-King Fashion Point, owned by Vicky Saini @ Sudhir. Three accused i.e. Vicky Saini @ Sudhir, Narinder Singh @ Nonu and Nirlep Singh @ Bunty were arrested at the spot while 4th person is alleged to have fled. Constable Kulvir Singh is stated to have identified the present petitioner/accused as the 4th accused, who fled away.

A recovery of 241 strips of Intoxicant Tablets Mark-Carisoprodol I.P. (Carisoma), each strip containing 10 tablets and 219 bottles of Rexcof containing 100 ML each were effected from the possession of three accused.

The recovered contraband has been found to be commercial in quantity. The petitioner was arrested on 02.06.2015.

It is contended that although the name of the petitioner is mentioned in the FIR based on a secret information, however, at the time of raid, the statement of Constable Kulvir Singh placed on the police file, does not reflect the name of the present petitioner as one, who has fled away from the spot. It is next contended that neither the petitioner was apprehended at the spot nor any recovery has been made and merely on the inclusion of the name as per secret information in the FIR, no offence is made out against the present petitioner. He is also stated to be not involved in any other case.

Learned State Counsel, assisted by ASI Kashmir Singh, submits that statement of the Constable Kulvir Singh has been recorded on the date of the arrest of the petitioner/accused and not on the date of the raid. She further concedes that the petitioner is not involved in any other case.

Without commenting on the merits of the case, keeping in view the custody period and the facts as noticed above, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

February 10, 2016

Gagan

(JASWANT SINGH)
JUDGE