

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM No. M-42834 of 2015 (O&M)

Date of Decision: 28.3.2016

Balbir Singh @ Rinku

--Petitioner

Versus

State of Punjab

--Respondent

**CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.**

Present:- Mr. H.S. Brar, Advocate for the petitioner.

Mr. D.S. Virk, A.A.G., Punjab.

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**TEJINDER SINGH DHINDSA.J**

Present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.44 dated 19.5.2015 under sections 18, 61, 85 of N.D.P.S Act, registered at Police Station, Division No.3, District Ludhiana.

Learned counsel for the parties have been heard.

As per prosecution version, an alleged recovery of 5 kgs of opium was effected from the petitioner on 19.5.2015. As per petitioner he has been falsely implicated in the case and rather was picked up by the police from his residence on 18.5.2015 i.e. one day prior to the alleged recovery.

Even though, challan in the present case has been furnished and in which the petitioner has been nominated as an accused, yet, it has gone uncontroverted that an inquiry was conducted in the matter at the hands of an I.P.S officer of the rank of A.I.G and in the inquiry report clear findings have been recorded against the concerned police officials and a conclusion has been drawn that the petitioner has been falsely implicated. Perusal of the inquiry report placed on record at Annexure P-2 would reveal that the

findings as regards false implication have been recorded after having gone through the footage of CCTV camera, two pen drives and a video recording produced by Malkiat Kaur i.e. wife of the petitioner and also having gone through the phone tower locations of the concerned officials.

On 26.2.2016 following order was passed by this Court:-

*“This order is in furtherance of the order dated 17.2.2016, passed by this Court.*

*During the course of resumed hearing today, learned State counsel would offer justification of discarding the inquiry report dated 7.7.2015 by referring to the order dated 4.12.2015, passed by the Judge, Special Court, Ludhiana at Annexure P-4, whereby benefit of regular bail to the petitioner had been declined.*

*Perusal of such order would reveal that even the court below had clearly observed that as per inquiry report submitted by Sh. Naveen Saini, A.I.G., Crime Branch, a doubt is created on the prosecution version. As such, the contention raised by the State counsel that the inquiry report dated 7.7.2015 has been discarded in the light of order dated 4.12.2015, passed by the Trial Court, is without any substance.*

*It is directed that an affidavit of the D.G.P., Punjab be filed on or before the adjourned date in response to the order dated 17.2.2016, passed by this Court.*

*List on 28.3.2016.*

*A copy of this order be furnished to learned State counsel under the signatures of Bench Secretary.”*

In due deference of the order dated 26.2.2016, an affidavit dated 23/28.3.2016 of the D.G.P., Punjab has been filed in Court today and the same is taken on record.

Perusal of the affidavit filed of the D.G.P would reveal that the report dated 30.10.2015 submitted by Sh. Naveen Saini, I.P.S, A.I.G in

which it had been recorded that the petitioner has been falsely implicated has been approved by the Director, Bureau of Investigation, Punjab. It has been deposed in the affidavit that upon examination of the entire matter an order dated 23.3.2016 has been passed by the D.G.P., whereby further investigation in the matter has been entrusted to Police Station, State Crime, S.A.S. Nagar, Punjab and to be conducted under the direct supervision of D.I.G., Investigation, Punjab.

The sequence of events and circumstances noticed herein above as also the passing of the order dated 23.3.2016 by the D.G.P., Punjab itself casts a cloud of suspicion on the prosecution version. The contention raised on behalf of the petitioner as regards false implication cannot be stated to be totally without merit.

Petitioner otherwise is stated to be possessing clean antecedents and is not involved in any other case under the N.D.P.S Act.

In an overview of the matter and without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Ludhiana.

Petition disposed of.

**(TEJINDER SINGH DHINDSA)**  
**JUDGE**

**28.3.2016**

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