

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

CRM No. M-12197 of 2017.

Date of Decision: 20.04.2017.

Sandeep Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. G.S. Sandhu, Advocate,
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

JITENDRA CHAUHAN.J.(ORAL)

The present petition has been filed under Section 439 the Cr.P.C seeking regular bail in case FIR No.110 dated 12.12.2016 registered under Section 21 of NDPS Act, 1985 at Police Station Sadar, Faridkot.

It is asserted that police raided the house of the petitioner on the allegations that father of the petitioner, who runs a grocery shop, has been indulging in the sale of intoxicants. The police while conducting the search inside the house of the petitioner misbehaved with the relatives of the petitioner including the women and children. This was objected to by the petitioner. Many people from the public gathered on the spot. The petitioner was picked up and thrown into private Zen car and was taken away and has been falsely implicated and subsequently the recovery has been shown to be effected in the area of village Arayian Wala Kalan. This was objected to by the

entire Gram Panchayat as is made out from Annexure P-2. The mother of the petitioner made a request for ordering inquiry in the instant FIR before the Human Rights Commission, Chandigarh Annexure P-3. The petitioner is a boy of 19 years and is a student enrolled in Maharaja Ranjitgarh Punjab Technical University, Bathinda in B.Tech Course. It is further asserted that the petitioner is being prosecuted for his being a member of minority community. Allegedly 105 gms of Alprazolam powder has been shown to have been recovered from the petitioner. There is a specific mention in the FIR that total weight includes the weight of polythene bag. The petitioner is in custody since 12.12.2016. He is not involved in any other FIR.

On the other hand, the learned State counsel submits that though, the investigation is complete and challan is likely to be filed shortly. As per record neither the petitioner nor his father is involved in any other FIR under NDPS Act.

The IO has not explained as to why the weighment was done with polythene. The weight of the polythene and powder i.e. Alprazolam has not been separately reflected nor there is an explanation for doing so, therefore, there is no specificity with regard to the weight of the contraband allegedly recovered. Without commenting on the merits of the case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of trial

Court/duty Magistrate concerned.

The Superintendent of Police, Faridkot is directed to get an inquiry conducted in the complaint made by the Gram Panchayat in terms of Annexure P-2 and have the necessary report from the Human Rights Commission and to consider whether the weighment along with the polythene bag is permissible under law. In case the answer is not in affirmative then necessary disciplinary proceedings be initiated against I.O. ASI Gurlal Singh and in the eventuality of initiation of any proceedings, the IO in question be not assigned the duty to investigate any of the matter.

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

20.04.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No