

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-38334-2016

Date of Decision: 08.02.2017

Rupinder Singh @ Pindu

.....Petitioner

vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Anterpreet Singh, Advocate,
for the petitioner. .

Mr. K.S. Pannu, D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No. 80 dated 31.05.2015, registered at Police Station City Nawanshahr, District Shaheed Bhagat Singh Nagar, for the alleged commission of offences punishable under Sections 21/22/61 of the NDPS Act, 1985.

Learned counsel for the petitioner points out that though the consent memo prepared, to which the petitioner is undoubtedly a signatory on 31.05.2016, i.e. the date when the alleged recovery was made from him, is a handwritten document, whereas the recovery memo by which 05 grams of heroin and 100 grams of intoxicating powder are shown to be recovered is by way of a computer print out.

He further submits that as per the allegations in the FIR dated 31.05.2016, the petitioner was apprehended coming on foot on the road,

allegedly carrying a 'weighty polythene bag' in his right hand. Learned counsel further submits that the very factum that one of the memos is handwritten and the other a computer printout, purportedly made at the same time, it puts a doubt on the entire case of the prosecution.

The FIR also states that the ASI and the other officials in the police party were patrolling in a private car, along with the personal laptop of the ASI and a printer.

However, the source of power to the printer from which the printout is stated to have been taken at the spot of occurrence, is not shown anywhere in the FIR.

Learned State counsel, on specific query, as to what was the source of power for the printer on the road side, has not been able to answer the question even after taking instructions, with the ASI present to assist him not able to give any cogent answer the query.

Keeping in view the above, without making any comment on the actual merits of the case of the petitioner, which would be obviously looked at by the trial Court in the trial itself, and the fact that the trial is likely to take long as yet, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial Court, further subject to any condition that would be laid down by that Court.

(AMOL RATTAN SINGH)
JUDGE

February 08, 2017
nitin

Whether speaking/reasoned Yes

Whether Reportable No.