

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

CRM-M No.47144 of 2017

Date of Decision : 22.12.2017

Balwinder Singh @ Kukku

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Charanjit S. Bakhshi, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. Advocate General, Punjab
for the respondent-State.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure seeking regular bail on behalf of the petitioner in case FIR No.16 dated 4th August, 2017, registered under Sections 21, 25, 29, 61-85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') and Section 25, 54-59 of the Arms Act at Police Station SSOC, Amritsar District Amritsar.

The petitioner's side has placed on record affidavit in compliance of the earlier order passed on 18th December, 2017.

The original of document (Annexure P-1) is also filed in a laminated form with a prayer to send the same for Expert's examination in order to determine whether it is actually in the handwriting of Inspector Sukhwinder Singh, Incharge STF Border Range, Amritsar.

Also seen the affidavit sworn by Inspector Sukhwinder Singh in relation to the CD relied upon by the petitioner whose contention has been that he was illegally picked up from the Civil Hospital, Patti on 3rd August, 2017 by the Police Personnel in civil dress, after the *Ruqa* (Annexure P-1) had earlier been sent by the deponent-Inspector.

At this stage, this Court is not inclined to go in for any micro investigation *qua* the procedure followed in apprehending the petitioner or the alleged irregularity behind his apprehension, since it is otherwise the submission made on behalf of the State that apart from this case the petitioner is not involved in any other matter under the NDPS Act.

On a plain viewing of the CD relied upon by the petitioner, this Court is substantially satisfied with the petitioner's version relating to the manner in which he was allegedly picked up from the hospital.

In the given circumstances, at this stage the present petitioner, namely Balwinder Singh @ Kukku may be released on regular bail to the satisfaction of the Ld. Trial Court/Area Magistrate concerned.

On submission of Ld. Counsel for the petitioner the laminated document (original of Annexure P-1) be kept in safe custody.

It is further clarified that no part of any observation made in this order shall in any manner tantamount to casting any reflection on the final merits of the case.

December 22, 2017

Dpr

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable : Yes/No