

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-979 of 2017

Date of Decision: 31.07.2017

Sher Singh @ Shera

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Bhavesh Aggarwal, Advocate
for Mr. Ashish Aggarwal, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 204 dated 06.07.2015 registered for the offence punishable under Section 22 of the Narcotics Drugs and Psychotropic Substances Act, 1985 at Police Station Patti, District Tarn Taran.

Heard.

Learned State counsel submits that ASI Satpal Singh, who had apprehended the petitioner and effected recovery of contraband from him on 06.07.2015, was holding rank of Head Constable but was given charge rank of ASI as per notification of Punjab Government dated 03.09.1987, which provides that a police official holding the rank of Head Constable for a period of seven years will be given charge rank of ASI. He was, however, drawing salary of the rank of Head Constable.

From above submission of learned State counsel, it appears that

ASI Satpal Singh was holding the substantive rank of Head Constable on

the day when petitioner was arrested. As to whether he was competent to apprehend and conduct investigation of the case, is a fact to be seen by the trial Court.

In view of above fact and that conclusion of trial will take considerably long time but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Sher Singh @ Shera is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

July 31, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No