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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21607-2018 (O&M)
Date of decision : 30.11.2018

Raghav Ali

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Raj Kumar Gupta, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Heard.

This is a petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 45 dated 09.04.2017 under Sections 18 under the Narcotic Drugs and Psychotropic Substance Act, 1985, registered at Police Station Sadar, Phagwara, District Kapurthala.

The allegations against the present petitioner is that 3KG opium was recovered from him along with the co-accused by Inderjit Singh. He was then acting as ASI.

Learned counsel for the petitioner contends that investigation could not be carried by any person belonging to the rank of ASI. Inderjit Singh was in fact holding the local rank of ASI and his substantive rank was of HC. It is further contended that said Inderjit Singh was later on dismissed from service for possessing 4 KG heroin; 3 KG Smack; illicit arms in Innova Car and Indian & Foreign currency vide order Annexure P-2 dated 15.6.2017 passed by Senior Superintendent of Police, Kapurthala.

Therefore, it is contended that since the Investigating Officer was not competent to investigate the matter, therefore, the petitioner should be enlarged on bail.

State in its reply has not disputed that Inderjit Singh was holding the local rank of ASI and that his substantive rank was of HC.

Considering that Inderjit Singh was not holding substantive rank of ASI and was not competent to conduct the investigation in the present case and considering that trial is pending and two witnesses have been examined and trial of the case will take long time, it is ordered that pending trial, petitioner be released on bail on his furnishing personal bonds in the sum of Rs. 1,00,000/- with one surety of the like amount to the satisfaction of the trial Court subject to following conditions: -

- (1) Petitioner shall surrender his passport before the trial Court, if any, and shall not leave the country without prior intimation to the Court;
- (2) Petitioner shall not directly or indirectly give any inducement or threat or promise to any witness and
- (3) Petitioner shall attend the Court on each and every date of hearing before the trial Court and in case of his absence, trial Court shall be competent to cancel his bail.

Petition stands allowed accordingly.

(KULDIP SINGH)
JUDGE

30.11.2018
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Whether speaking / reasoned
Whether Reportable:

Yes/No
Yes/No