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

**CRM-M No.2811 of 2018
Date of Decision: 01.02.2018**

Chirri @ Ninder Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

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

Mr. Sandeep Kumar, DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.149 dated 29.10.2017 registered under Sections 186, 353, 332, 427, 506, 148, 149 IPC and Sections 22, 61, 85 of the NDPS Act at Police Station Subhanpur, District Kapurthala.

FIR was registered on the basis of secret information to the effect that Chirri @ Ninder Singh son of Mangal Singh and Prince @ Patila son of Ashwani Kumar are involved in selling narcotics. Both were intercepted by the police by placing

barricade. Both the accused came riding on a motorcycle and on seeing the police party tried to turn back. With the help of the policemen, they were apprehended. The driver of the motorcycle was found to be Chirri @ Ninder Singh, whereas pillion rider was Prince @ Patila. In the meanwhile, 10-15 persons came there. Baldev, Sabi, Kuldeep Singh, Sonu @ Katta and Shamsher Singh @ Sheru were prominent persons amongst them. They got released Chirri @ Ninder Singh. Constable Harjant Singh was given beatings by Sabi, Kuldeep Singh and Sonu @ Katta. Prince @ Patila was found in possession of 30 grams of narcotic substance.

Offence under Section 186 IPC is the aggravated form of offences under Sections 353, 332 IPC and is non-cognizable in nature.

Learned counsel for the petitioner contended that in view of above, offences under Sections 353, 332 IPC are necessarily to be treated alike on the strength of **Nirbhai Singh Vs. State of Punjab and another, 2009 (4) RCR (Criminal) 614** and **Ram Kumar Vs. State of Haryana, 1998(1) PLR 633**. Offences under Sections 427, 506 IPC are also non-cognizable in nature.

Learned State Counsel on instructions from ASI Bakshish Singh submitted that petitioner is in judicial custody

since 31.11.2017. No contraband has been recovered from the petitioner in this case. However, he was arrested in FIR No.156 dated 21.11.2017 registered under Sections 22/61/85 of the NDPS Act at Police Station Subhanpur, District Kapurthala and 62 tablets of narcotic substance were recovered from him.

Looking to the nature of offence alleged against the petitioner and without meaning anything on the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Kapurthala.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

February 01, 2018.

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No