

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-32615 of 2018

Date of Decision: August 07, 2018

Rinku Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. D.N. Ganeriwala, Advocate and
Mr. Sukhveer S. Killianwali, Advocate
for the petitioner

Mr. J.S. Walia, Sr. DAG Punjab

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No. 165 dated 27.11.2017 under Section 21/29 of the NDPS Act, 1985, registered at Police Station Barnala, District Barnala.

According to the contents of the FIR, the petitioner was apprehended on the basis of suspicion. A search led to recovery of 500 grams of Smack.

Learned counsel for the petitioner refers to recovery memo dated 27.11.2017 as well as memo of personal search of even date to contend that though the recovery was effected prior to registration of the FIR, the memo aforementioned recorded the number of the FIR and the provisions under which the same was registered, leading to an inference that the recovery was planted. Further, the petitioner has been in custody since 27.11.2017, the investigation is complete but the completion of trial will take some time and, therefore, no useful purpose would be served by keeping the petitioner in custody indefinitely.

Learned State counsel opposes the prayer for bail by submitting that the search was conducted in the presence of a Gazetted Officer and, therefore, it is unlikely that a false case has been foisted upon the petitioner. He submits that

recovery is of commercial quantity of contraband and there is one other case under

the NDPS Act pending against the petitioner and these facts taken cumulatively do not entitle the petitioner to grant of regular bail.

It is not in dispute that the petitioner has undergone actual custody of eight months and one day and that the investigation in the case is complete. Learned State counsel has admitted that the challan stands presented and that the charge has also been framed but examination of witnesses has not yet commenced. Thus, the conclusion of the trial is likely to take some time. The recovery memos referred to by learned counsel for the petitioner also create a doubt in the mind of the Court and, thus, I deem it appropriate to release the petitioner on regular bail.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

Nothing mentioned hereinabove shall be taken as an expression of opinion on the merits of the case. The prosecution shall also be at liberty to seek cancellation of the bail in case the petitioner is found indulging in similar activities again.

August 07, 2018
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No