

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-41460-2018

Date of Decision:13.11.2018

Hardev Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Vipul Jindal, Advocate,
for the petitioner.

Mr. Surinder Pal Singh Tinna, Addl. A.G., Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner during the pendency of trial in case FIR No.07 dated 27.03.2018 under Sections 21, 29 of the NDPS Act, 1985, registered at Police Station State Special Operation Cell, Amritsar.

Learned counsel for the petitioner has argued that the petitioner had filed CRM-M-7841-2018, titled as “Hardev Singh Versus State of Punjab and others” seeking directions to respondent Nos.1 to 3 to protect the life and liberty of the petitioner as the petitioner apprehended threats to his life and liberty including his implication in false criminal cases at the hands of Inderbir Singh, Inspector (respondent No.4 in CRM-M-7841-2018). The said petition was disposed of by this Court on February 23, 2018 with a direction to respondent No.3 i.e. Senior Superintendent of Police (Rural) Amritsar, to look into the allegations made in the

representation submitted by the petitioner and to take appropriate action in accordance with law. The apprehension of the petitioner that he may be involved in some false case proved true as the FIR No.7 dated 23.03.2018 has been registered against him despite there being an order passed by this Court dated 23.02.2018 in CRM-M-7841-2018. He has further argued that in the short span of a week, three FIRs have been registered against the petitioner. Said Inderbir Singh who was arrayed as respondent No.4 in CRM-M-7841-2018 has allegedly effected recovery from the petitioner despite the fact that he was an Ad hoc ASI.

On the other hand, learned State Counsel has filed the status report by way of affidavit of Sh. Harbhajan Singh, PPS, Deputy Superintendent of Police, Counter Intelligence, Amritsar. In the said affidavit, it has been stated that against petitioner-Hardev Singh @ Rambo, the following FIRs have been registered:-

“1. FIR No.122 dated 10.06.2014 under Section 21/61/85 of the NDPS Act, Police Station Maqsudan, District Jalandhar Rural.

2. FIR No.26 dated 06.11.2017 under Sections 21/29/61/85 of the NDPS Act, Police Station State Special Operation Cell, Amritsar.

3. FIR No.07 dated 27.03.2018 under Sections 21/29/61/85 of the NDPS Act, Police Station State Special Operation Cell, Amritsar.

4. FIR No.119 dated 30.10.2017 under Sections 323, 324, 452, 295, 354, 506, 148, 149 IPC, Police Station Sarhali, District Tarn Taran.”

He has further argued that while approaching this Court in CRM-M-7841-2018, petitioner had not disclosed the true facts, rather has pleaded that no criminal case is registered against the petitioner, despite the above cases.

I have heard learned counsel for the parties.

The argument raised by learned counsel for the petitioner that the petitioner has been falsely implicated, cannot be accepted at this stage. At this stage, only the prosecution version is to be considered unless the same is found to be implausible. Five cases are shown to have been registered against the petitioner, out of which four cases are under the NDPS Act alone. The plea that the ASI effected recovery from the petitioner is on Ad hoc, cannot be accepted at this stage, which needs to be adjudicated during trial. There being a number of cases registered against the petitioner and this fact was not brought to the notice of this Court at the time when CRM-M-7841-2018 was disposed of, this Court finds that the present petition is without any merit and the same is hereby dismissed.

November 13, 2018

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(HARI PAL VERMA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No