

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-41421 of 2017

.....

Date of decision:16.7.2018

Lakhvir Singh alias Lucky

.....Petitioner

v.

State of Punjab

.....Respondent

....

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

Ms. Monika Jalota, Deputy Advocate General, Punjab
for the respondent-State.

.....

Inderjit Singh, J.

The petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.90 dated 5.4.2017 registered for the offence under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the Act') at Police Station Samrala, Police District Khanna, Distt. Ludhiana.

Notice of motion has been issued in this case.

Ms. Monika Jalota, learned Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner and learned State counsel appearing for the respondent-State and have gone through the record.

From the record, I find that as per the prosecution version 100 Grams of Diphenoxylate intoxicant powder was recovered from the

petitioner. Admittedly, the recovery from the petitioner is commercial quantity. But in the present case, the petitioner has given a written complaint (Annexure-P.3) regarding his false implication to the Senior Superintendent of Police, Police District Khanna regarding cancellation of FIR by conducting impartial inquiry. As per the reply of the prosecution, the Senior Superintendent of Police marked the inquiry to DSP, who in turn marked the inquiry to the SHO and SHO marked the inquiry to ASI of the same Police Station and the ASI also did not conduct the inquiry and stated that after investigation challan has been presented and there is no need for inquiry.

Without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find that the Co-ordinate Bench of this Court after noting down these facts has already granted the interim bail to the petitioner vide order dated 21.11.2017.

Keeping in view the facts and circumstances of the present case; I find merit in this petition and the same is allowed. The interim order dated 21.11.2017 passed by this Court granting interim bail to the petitioner is made absolute.

However, nothing stated above will constitute my opinion on the merits of the case.

July 16, 2018.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No