

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

**CRM-M No.44823 of 2017  
Date of Decision : 09.01.2018**

Satpal singh

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM :HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present : Mr. Gurpreet S. Sandhu, Advocate  
for the petitioner.

Ms. Rajni Gupta, Sr. Deputy Advocate General, Punjab  
for the respondent-State.

**SUDIP AHLUWALIA, J. (ORAL)**

The instant petition has been filed under Section 439 of the Code of Criminal Procedure seeking regular bail in case FIR No.99 dated 27<sup>th</sup> June, 2015, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Civil Lines, District Bathinda on behalf of the petitioner who has remained in confinement since 15<sup>th</sup> September, 2017.

It is contended by Ld. Counsel for the petitioner that his client has been motivatedly and falsely framed by the Police/State Authorities in the case.

To substantiate this contention a copy of the judgment passed by a Division Bench of this Court in CRA-D No.167-DB of 2006 dated 28<sup>th</sup> October, 2013 is tendered.

Perusal of the same goes to show that the petitioner along with another co-accused was initially convicted for an offence under Section 15(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 on 20<sup>th</sup> December, 2005 and was awarded a sentence of rigorous imprisonment for 11 years apart from a fine of Rs.1.00 lakh.

He remained in detention during pendency of the appeal, and was not involved in any other criminal case till being finally released as a consequence of his acquittal in appeal.

Nevertheless recovery of contraband was allegedly made from him when he was still undergoing imprisonment.

The original Recovery Memo indicating the place from which and the manner in which the contraband was seized, or the name of the person/Officer seizing the same is not available on record.

Furthermore the recovery was purportedly made as far back as on 2<sup>nd</sup> of January, 2012 but the FIR in question was drawn up almost 2 ½ years later on 27<sup>th</sup> June, 2015 and the petitioner was

arrested after 2 years and 03 months later on 15<sup>th</sup> September, 2017 which was almost 04 months after he has been released following his acquittal.

In the given facts and circumstances, without making any comment on the merits or likely outcome of the present pending trial, at this juncture this does not appears to be a fit case to detain the petitioner indefinitely. He may therefore be released on bail to the satisfaction of the Ld. Trial Court concerned.

Disposed off.

**January 09, 2018**

Dpr

**(SUDIP AHLUWALIA)  
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable : Yes/No