

**Sr. No.213
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-46705 of 2017 (O&M)

Date of Decision: 21.03.2018

Amandeep Kumar @ Rinku

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Navjot Singh, Advocate,
for the petitioner.

Mr. S.S.Sandhu, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks regular bail pending trial in case FIR No.90 dated 09.05.2017, under Sections 21/29/61 and 85 of NDPS Act, registered at Police Station Goraya, District Jalandhar (Rural).

As per prosecution version, petitioner was apprehended, upon a swift car having been intercepted based on secret information and an alleged recovery of 500 grams of heroin was effected.

Prayer for bail is vehemently opposed by learned State counsel by contending that petitioner is a habitual offender and is involved in 06 cases under the NDPS Act including the FIR in question.

Counsel representing the petitioner joins issue and clarifies that petitioner was in fact involved in 07 FIRs under the NDPS Act and out of which in 04, trial has culminated in the acquittal of the petitioner.

Counsel has vehemently argued that it is a case of false implication. In support of such contention it is submitted that FIR No.99 was registered in the year 2016, under Sections 21/22/61/85 of NDPS Act at Police Station Station Bilga, District Jalandhar and in which concession of bail was granted by the learned Judge Special Court, Jalandhar vide order dated 11.08.2016 by noticing that no recovery had been effected from the conscious possession of the petitioner and he was sought to be implicated on the statement of co-accused.

Thereafter, FIR No.50 dated 27.03.2017 under Sections 15/21/22/29 of NDPS Act was lodged at Police Station Goraya, District Jalandhar again based on secret information and on the general allegations that the present petitioner along with other co-accused are indulging in selling of intoxicant substances.

Counsel has adverted to the order dated 03.05.2017 passed by the trial Court at Annexure P-6 whereby benefit of interim bail was granted subject to the condition that the petitioner would join investigation on or before 09.05.2017. Counsel contends that it is no coincidence that instant FIR has been lodged on 09.05.2017 itself on the allegation that a recovery of 500 grams of heroin has been effected.

Petitioner having earned acquittal in 04 matters under the NDPS Act is not controverted by the State counsel.

Contention raised by counsel as regards false implication cannot be termed to be without substance.

Trial is stated to be at the initial stage as out of 10

prosecution witnesses cited, only 01 has been examined till date.

Trial as such would take time to conclude.

Petitioner has faced incarceration since 09.05.2017.

Without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Jalandhar.

Disposed of.

21.03.2018

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No