

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.51520-2018 (O&M)

Date of decision : 29.11.2018

Vicky Kumar

..... Petitioner

Versus

State of Punjab

..... Respondents

**CORAM : HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Mr.Gurpreet Singh Sandhu, Advocate for the petitioner  
Mr.Karanbir Singh, AAG Punjab

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

**KULDIP SINGH J. (Oral)**

Heard.

As per allegations levelled in the FIR, two persons, namely, Vicky Kumar and Navdeep Garg were apprehended while they were carrying bag on their shoulders. From the present petitioner Vicky Kumar, 45 vials of ROSCOF each containing 100 ml were recovered. 5 plastic vials each containing 100 ML of ROSCOF were also recovered from Navdeep Garg. Copy of the challan (Annexure P2), which is not disputed, shows that during investigation, SIT was formed, which after investigation, found the present petitioner Vicky Kumar to be innocent. Therefore, he was kept in column no.2 of the challan and only Navdeep Garg was challaned.

It comes out that later on, the trial Court summoned the present petitioner, while exercising powers under Section 190(3) Cr.P.C.

I am of the view that since, prima-facie, the petitioner was found to be innocent by the police, therefore, that presumption will continue till he is proved guilty. Inquiry report of SIT is there, stating the grounds on

which, the petitioner was found innocent.

It being so, there is no ground for further detention of the petitioner, who is in custody since 23.5.2018. Accordingly, bail application is allowed. Petitioner is ordered to be released on bail on his furnishing personal bonds in the sum of Rs. 50,000/- with one surety of the like amount to the satisfaction of learned trial Court, subject to following conditions:-

- (i)The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer,
- (ii)The petitioner will surrender his passport before the trial Court, if any and shall not leave India without the prior permission of the Court.
- (iii)He will appear before trial Court on each and every date of hearing.

**29.11.2018**

*gk*

**(Kuldip Singh)  
Judge**

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