

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-55633 of 2018

Date of Decision: 20.12.2018

Gurpreet Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

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

Present:- Mr. M.S. Viridi, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.184 dated 01.11.2018 under Sections 22/29 NDPS Act registered at Police Station Division No.5, Jalandhar.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated under Section 22/29 of the NDPS Act. The petitioner is running a medical store under the name and style of Walia Medical Store and in addition thereto, he is also an authorized news supply agent of Punjab Kesari Group. He refers to communication dated 12.08.2018 (Annexure P-2) issued by the Punjab Kesari Group authorizing the petitioner to send reports. Since a news item dated 06.10.2018 was

published against the police of Division No.5 in 'Jalandhar Bani', which is a news paper group of the Punjab Kesari, the petitioner has been implicated in the present case on the basis of statement made by one Pankaj Kumar, who was apprehended with 1700 loose intoxicant unlabelled capsules. Said Pankaj Kumar has allegedly disclosed that he had purchased those capsules from the petitioner. The petitioner is in custody since 01.11.2018 and there is no other case pending against him.

Learned State counsel has filed the custody certificate in Court which is taken on record. As per the custody certificate, there is no other case pending against the petitioner.

Having heard learned counsel for the parties and considering the fact that it is on the basis of disclosure statement of Pankaj Kumar, from whom the alleged contraband has been recovered, the petitioner has been named in the present case and in absence of FSL report, it is premature to say that the contraband so recovered falls under the NDPS Act. Therefore, I deem it appropriate to release the petitioner on interim bail till the receipt of FSL report.

Accordingly, the present petition is allowed and the petitioner is admitted on interim bail till the receipt of FSL report, however subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court. In case it is found that the FSL report is positive and the alleged recovery falls under the NDPS Act, the petitioner shall surrender before the trial Court forthwith.

December 20, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No