

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53628-2018

Date of Decision: 18.12.2019

Amrik Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. K.B. Raheja, Advocate for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

HARINDER SINGH SIDHU, J.

Prayer is for grant of regular bail in case FIR No.103 dated 10.09.2018 under Sections 21,22,25,29,61 of the NDPS Act (Section 66-F of IT Act, 2000 added later on) registered at P.S Kulgarhi, District Ferozepur.

As per the allegations in the FIR, a police party were on patrol duty and were going from Nawan Purba Butay Wala, Nurpur Sotha towards village Bajidpur. They saw a motorcycle coming from the opposite side on which two persons were riding. Seeing the police party, the pillion rider threw a black colored carry bag in the grass. They tried to turn around the motorcycle and run away. However, the police party succeeded in apprehending them. The rider of the motorcycle disclosed his name as Amrik Singh (petitioner). The pillion rider disclosed his name as Anokh Singh. On search of the polythene carry bag, the police party found 500 grams of intoxicant powder. On the personal search of Anokh Singh, a mobile phone with two sim cards of Airtel and Idea company and cash of Rs.950/- were recovered. From the personal search of petitioner, two smart phones, a 4g hotspot 4g Airtel, carrying sim of Airtel company and 4g hotspot of Jio company were recovered.

Learned counsel for petitioner has argued that the petitioner has

been falsely implicated in this case. He states that in fact he had been detained by the police on 08.09.2018. In this regard, his mother had sent registered letters addressed amongst others to the District & Sessions Judge, SSP Ferozepur and Election Officer and other officers. He has also annexed copies of said letter (P.2) and postal receipts bearing the date 10.09.2018 and time 16.43. He argues that as per the FIR, the petitioner and his co-accused are alleged to have been apprehended at 6.10 pm on 10.09.2018. Before this, the mother of the petitioner had already submitted representation alleging his illegal detention.

The veracity of the allegation of the petitioner regarding his false implication and of his having been detained on 08.09.2018 is yet to be ascertained. Moreover it appears that this ground was not raised before the learned trial Court.

As per the report of FSL, the contraband recovered from the petitioner and his co-accused was Tramadol Hydrochloride. The recovery is of commercial quantity.Learned State counsel has argued that the investigation has revealed that the petitioner and his co-accused are involved in smuggling of contraband from across the border because of which offence under Section 66-F of IT Act has also been included.

Considering the facts and circumstances of the present case and taking into quantity of the contraband recovered no ground is made out to grant bail to the petitioner at this stage.

Dismissed.

December 18, 2019

(HARINDER SINGH SIDHU)
JUDGE

Manoj

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No

