

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-34433 of 2019
Date of Decision: 25.11.2019

Harvinder Singh @ Shammi

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Krishan Singh Dadwal, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G. Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.96 dated 20.06.2019 registered for the offence punishable under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Nawanshahr, District SBS Nagar.

Heard.

As per case of prosecution, petitioner alongwith co-accused Shiv Kanwar Singh @ Shiv was arrested on 20.06.2019 on the basis of secret information and 475 injections of “*Buprenorphine*” (2 ml. each) were recovered from his possession.

Learned counsel for the petitioner submits that petitioner was in fact picked up from his house and this fact is evident from the police file itself. After the apprehension of petitioner, recovery was effected and *ruqa* was sent to police station for registration of FIR and thereafter, FIR No. 96 dated 20.06.2019 was registered but in the disclosure statement of petitioner

and recovery memo, FIR No. 96 (duly typed) already find mentioned without there being any explanation as to how FIR number has come on the disclosure statement and recovery memo.

Learned State counsel on perusal of police file concedes that on the recovery memo FIR number finds mentioned and it appears to have been typed when this memo was prepared. He also concedes that duly typed FIR number is also there on the disclosure statement of petitioner. He, however, has no explanation in this regard and submits that this fact can be explained by investigating officer during trial of the case.

Keeping in view above facts but without expressing any opinion on merits, I find merit in this petition and the same is allowed. Petitioner-Harvinder Singh @ Shammi is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

November 25, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No