

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM No.M-64461 of 2018 (O&M)
Date of Decision: April 09, 2019**

Harjinderpal Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sandeep Verma, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.81 dated 16.08.2018 under Sections 21 and 22 of the NDPS Act, registered at Police Station Mehna, District Moga.

Notice of motion.

Ms.Monika Jalota, DAG, Punjab, has put in appearance on behalf of the respondent-State and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Learned counsel for the petitioner argued that a false case has been planted upon the petitioner. Petitioner was taken from his house on 16.08.2018 and CCTV footage is there. He also relied upon the CD, which has been placed on record. He next argued that Innova car and motorcycle

of the petitioner can be seen being taken away from the house of the petitioner and motorcycle is driven by the police constable. Learned counsel for the petitioner argued that petitioner has been wrongly shown to be arrested on 18.08.2018 and 5 grams of heroin is stated to have been recovered from him.

Further, as per prosecution version, during investigation 300 grams intoxicant powder, which falls under commercial quantity, is stated to have been recovered from the petitioner.

Reply was also filed by the State, in which, it is admitted that police party had gone to the house of the accused-petitioner on 16.08.2018 but as per learned State counsel, petitioner was not found in the house, rather, he was arrested on 18.08.2018. Learned counsel for the petitioner argued that version of the prosecution looks improbable, if the house of the petitioner was raided, whether petitioner would be travelling with 5 grams of heroin or would keep intoxicant powder.

In view of the above facts, there is debatable point in the present case in view of the CCTV footage, as argued.

The petitioner has been in custody since 16.08.2018. He is not required for custodial interrogation as he is in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the disposal of the case.

Keeping in view the facts and circumstances of the present case, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing

amount to the satisfaction of the trial Court/Duty Magistrate.

However, nothing stated above, shall constitute my opinion on merits of the case.

April 09, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No