

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53332 of 2019

Date of Decision: 19.12.2019

Naresh Kumar

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Rahul Rampal, Advocate,
for the petitioner.
Mr. B.S. Sewak, Addl. A.G. Punjab.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner seeks the concession of 'regular bail' upon FIR no.99 dated 28.09.2019 having been registered at Police Station Special Task Force, STF Wing, Moti Nagar, District Ludhiana, alleging therein the commission of offences punishable under Sections 21/29 of the NDPS Act.

Yesterday, i.e. on 18.12.2019, the following order had been passed:-

“Learned counsel for the petitioner submits that contrary to what is stated in the FIR where the petitioner and his co-accused, Feroz Alam, are stated to have been caught red handed with heroin on a TVS Scooty at 09:00 PM, upon a secret information having been received at 7:30 PM, the petitioner is in possession of a CCTV footage showing a car bearing No.PB-65AD-8743, arriving at the house of Feroz Alam at 15:07 hours (03:07 PM), with three persons alighting therefrom, with one of them carrying an assault rifle, and with them leaving the place at 3:51 PM and then again arriving at 3:52 PM, after which at 6:58 PM (all on 28.09.2019) the TVS Scooty is stated to have been taken from the house of Feroz Alam. Thereafter the

recovery was planted upon the petitioner and the aforesaid Feroz Alam. Photographs in the context of what is noticed herein-above, have been annexed as Annexure P-4 with the petition.

The State already being on notice, an advance copy of the petition having been supplied to the office of the Advocate General, Punjab, a pen drive that is stated to be containing the said CCTV footage has been handed over to learned State counsel, who would go through the same and take instructions and address arguments tomorrow.

Though obviously learned State Counsel would have time to file a reply, but considering the fact that matters pertaining to similar allegations are coming up tomorrow, it is being ordered to be taken up tomorrow after he has looked at the CCTV footage as is stated to be contained in the pen drive given to him.

Adjourned to 19.12.2019.”

Today learned State counsel submits that even as per the FIR, the petitioner was arrested from within the locality and therefore the contention that it was from a different place cannot be believed.

However, upon specific query to him by this court as to whether the petitioner is actually seen being taken away from the premises as is stated to be the house of his co-accused Feroz Alam, he, on instructions from the investigating officer, could not deny that fact.

Upon another query made to him, he, again on instructions, submits that there is no other criminal case shown to have been registered against the petitioner.

That being so, without making any comment on the actual merits of the case, the petition is allowed with the petitioner is ordered to be released on bail upon his furnishing adequate bail and surety bonds to the satisfaction of the learned Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

However, the case file of this petition be put up alongwith the case file of CRM-M-38892 of 2019 on 21.01.2020.

December 19, 2019
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Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)
JUDGE
Yes
No.