

CRM-M-13058-2020

Date of Decision: 27.08.2020

Mandeep Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

207-A

CRM-M-17899-2020

Gagandeep Singh

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Rakesh Kumar, Advocate,
for the petitioner (in CRM-M-13058-2020).

Mr. Rajbir Singh, Advocate,
for the petitioner (in CRM-M-17899-2020).

Mr. Bhupinder Beniwal, A.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

These petitions have been filed under the provisions of Section 439 of the Cr.P.C., seeking 'regular bail' for the petitioners in case FIR no. 228 dated 07.10.2019, registered at Police Station Raman, District Bathinda, for the alleged commission of offences punishable under Sections 22/29/61/85 of the NDPS Act, 1985.

A counter-affidavit has been filed to the affidavit of the SSP, Bathinda. Learned counsel for the petitioners submit that the affidavit of the SSP does not show the location of the mobile phones of the police party that is alleged to have apprehended the petitioners from a particular spot, to be at that spot at that time, i.e. at about 03:45 p.m. on 07.10.2019.

A perusal of the SSPs' affidavit shows that it has been stated therein that as regards ASI Jaskaran Singh, he “inadvertently” left his mobile phone in Village Dialpura for charging; and as regards the other members of the police party, their telephones were not found to have been used since the day prior thereto, i.e. 06.10.2019, and consequently, their mobile call detail records are not available for the relevant time.

To say the least, this court finds it very very difficult to believe the aforesaid explanation given.

Consequently, with the petitioners also having been in custody for the past 09 months, even in the aforesaid circumstances, without making any further comment on the actual merits of the case, these petitions are allowed. The petitioners shall be admitted to bail upon their furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate, concerned.

August 27, 2020
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.