

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-27151-2019 (O&M)

DATE OF DECISION: OCTOBER 28, 2020

RAVI KUMAR @ KARAMJIT

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. BIPAN GHAI, SR. ADVOCATE
WITH MR. PARAS TALWAR, ADVOCATE
FOR THE PETITIONER.

MR. RAMANDEEP SINGH SR.DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.81 dated 18.4.2019 under Section 22, 25 NDPS Act, 1985, Police Station City Sangrur, District Sangrur. The petitioner is in custody since his arrest on 3.9.2018.

As per the allegations levelled in the FIR, on 18.4.2019, when SI Joginder Singh alongwith other police officials was on patrol duty for checking of suspicious person and vehicles at Kaula Park, Sangrur, at around 11.30 p.m., a secret information was received that Ravi Kumar and Rajpal were habitual in bringing intoxicating vials from Haryana and used to sell further. It was informed that today also, Ravi Kumar and Rajpal would be coming towards City Sangrur on a motorcycle bearing No.PB-13Y-6175, Make Bajaj Platina, Colour Black, carrying 2 big bags in the middle of the seat and they will enter via Nabha Gate, Sangrur and if barricading is done, they can be apprehended alongwith the contraband. Believing the

information to be true, barricading was done and both Ravi Kumar and Rajpal were apprehended alongwith motorcycle. One bag containing 150 bottles and second bag containing 146 bottles, totalling 296 bottles, each bottle having written on it Chlorpheniramine Maleate & Codeine Phosphate Syrup CODY COUGH SYRUP were recovered from them. On these broad allegations, the present FIR was registered.

Learned senior counsel for the petitioner has contended that the petitioner is not involved in any other case of similar nature and has been falsely implicated in the present case. He has pointed out that ASI Kewal Krishan is the Investigating Officer in the present FIR, who himself is involved in various cases on the ground of implicating innocent persons falsely. Learned counsel has invited the attention of the Court to the reply dated 10.9.2019 filed by way of affidavit of Sandeep Kumar Garg, IPS, Sr.Superitnendent of Police, District Sangrur to contend that the office is involved in 3 FIRs. i.e. FIR No.138 dated 19.8.2015, Police Station Sadar Dhuri, FIR No.167 dated 16.7.2007, P.S. City Sangrur and FIR No.17 dated 9.4.2006, P.S. Mehal Kalan, District Barnala and apart from these cases, FIR No.135 dated 8.9.2019 also stands registered against him. Learned counsel for the petitioner has pointed out that the investigation of the case is complete and the charges were framed on 11.10.2019, however, only two witnesses have been examined out of total 20 witnesses. According to him, in the given facts, further custody of the petitioner may not be necessary, therefore, he prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by ASI

Sukhvinder Singh has opposed the aforesaid prayer on the ground that the recovery effected from the petitioner and his co-accused would fall within the ambit of commercial quantity contemplated by the NDPS Act, 1985. He, on instructions, states that only two witnesses have been examined so far. It is also not disputed by him that the Investigating Officer in the present case FIR, ASI Kewal Krishan is an accused in various cases.

In view of the above, this Court finds that the petitioner has made out a case for grant of bail. It is also apparent that the trial is progressing at a slow pace. This Court is cognizant of the fact that the outbreak of global pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioner is presently confined in judicial custody since 3.9.2018 and his further detention may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

October 28, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No