

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27226-2019 (O&M)
Date of decision: 16.01.2020

Sanjay Kumar @ Sanju

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. J.S. Sandhu, Advocate for
Mr. B.S. Jattana, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.26 dated 24.03.2019 under Sections 22/61 of NDPS Act, registered at Police Station Bareta, District Mansa.

On 10.12.2018, following order was passed by this Court: -

“Counsel for the petitioner submits that the Investigating Officer Sukhjinder Singh, who was appearing as PW3 has stated that neither there is mentioning of batch number in Form No.29 or the report of the FSL nor there is a seal of the ASP.

Learned State counsel, however, on instructions from ASI Mewa Singh on the basis of recovery memo and the order passed by the Illaqua Magistrate 29.3.2019 has stated that in the FIR as

well as in the recovery memo the batch number was duly described and the same was sent to the FSL alongwith Form No.29. Learned State counsel has further submitted that seal of 'ASP' is there on the order of Judicial Magistrate 1st Class.

In view of the same, it is apparent that the statement of the PW3 ASI Sukhjinder Singh and PW6 ASP Ankur Gupta are factually incorrect.

List again on 16.1.2020.

The Additional Director General, Bureau of Instigation, Punjab, Chandigarh is directed to look into the matter and file an affidavit as to how these incorrect statement are made by both these witnesses.”

Affidavit of Additional Director General of Police, Crime, Bureau of Investigation, Punjab, Chandigarh filed in the Court today, is taken on record and in para No.5 of this affidavit, it is stated that in the statement of PW3 ASI Sukhjinder Singh, it is admitted that batch number is not mentioned on Form No.29 as well as FSL report and similar is the statement made by PW6 ASP Ankur Gupta that he has not put any of his seal on the documents prepared in his presence.

Learned counsel for the petitioner has referred to the statement of PW3 ASI Sukhjinder Singh, who has even stated that a bottle of 100 ml used for measurement of liquid was not taken in possession and PW6 ASP Ankur Gupta has not used his seal on any of the documents. Learned counsel has further referred to the statement of PW6 ASP Ankur Gupta that Form No.29 was not filled at the spot and he did not use his seal.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the factual position.

In view of the statements of these two prosecution witnesses, this Court is of the opinion that the petitioner be released on bail.

Accordingly, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

The observations made in this order shall have no bearing on merits of the case.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

16.01.2020
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No