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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision-11.02.2020

1. CRM-M-38153-2019 (O&M)

Satish Kumar

....Petitioner

Vs.

State of Punjab

...Respondent

2. CRM-M-38162-2019

Rohit Garg

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. S.S.Rangi, Advocate for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab.

MANOJ BAJAJ, J.

CRM-4805-2020 in CRM-M-38153-2019

Application is allowed as prayed for.

Annexure P-4 is taken on record.

Main case

Petitioners in above mentioned petitions have prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.102 dated 23.04.2019 registered under Sections 22 and 25 of Narcotic Drugs and

Psychotropic Substances Act, 1985 at Police Station Sadar, Khanna, Police District Khanna. Petitioners are in custody since their arrest on 23.04.2019.

As per the prosecution case, on 23.04.2019, a barricading was done by the Police party for checking of suspicious vehicles coming from the Mandi Gobindgarh side. At about 2.35 p.m., an Eco Ambulance bearing No.PB-10-EY-4641 was seen coming from Mandi Gobindgarh side. The same was signalled to stop, however, the driver of the said vehicle tried to turn around. The Police party encircled the said Ambulance and stopped the same. On inquiry, the driver of the vehicle disclosed his name as Satish Kumar and person sitting beside him disclosed his name as Rohit Garg. Upon search, 95 boxes of Clovidol-100 SR intoxicant tablets (containing 47,500 tablets in total) were recovered from the rear door of the vehicle.

Learned counsel for the petitioners contends that the alleged recovery does not inspire confidence as the recovery memo and other documents which were prepared on the spot before the registration of the FIR, but the said documents contained the FIR number and other particulars. He has further invited the attention of the Court to Annexure P-4 i.e. the deposition of the Investigating Officer who in his cross-examination admitted that the FIR number was not in his knowledge when the recovery memo was prepared. He prays that the petitioners be released on regular bail as their further custody is meaningless.

On the contrary, learned State counsel assisted by ASI Naresh Kumar opposed the prayer, and an explanation has been offered that the said number of FIR was filled-in later on after registration of the FIR. It is further

not disputed that only one witness has been examined so far and still 14 witnesses remain to be examined on behalf of the prosecution. It is also not disputed that the petitioners are not involved in any other case, much less of the similar nature.

Considering the above background, custody of the petitioners and the fact that the trial of the case is likely to consume considerable time, therefore, further detention of the petitioners who are in judicial custody may not necessary, particularly when they are not involved in any other case. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

Both the petitions are allowed.

(MANOJ BAJAJ)
JUDGE

11.02.2020
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No