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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.48143 of 2019
Date of Decision: 17.02.2020**

Karamjit Singh @ Kaku

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. I.P.S. Kohli, Advocate
for the petitioner.

Mr. J.S. Ghumman, DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.189 dated 13.08.2019 registered under Sections 21 and 31 of the NDPS Act at Police Station Sultanpur Lodhi.

As per allegations in the FIR, 300 grams of heroin is alleged to have been recovered from the petitioner.

Learned counsel for the petitioner states that as per site plan prepared by the police, the vehicle in question was going towards village Bhaane, whereas in the FIR, the vehicle was

coming from the side of village Bhaane.

Petitioner was earlier involved in FIR No.92 dated 27.05.2015 registered under Section 21 of the NDPS Act at Police Station Sadar Kapurthala. The alleged recovery of 50 grams of intoxicant powder was made. Petitioner has been granted regular bail in the said case by this Court vide order dated 30.11.2018 passed in CRM-M No.51880 of 2018. Ultimately, the petitioner has been acquitted in the said case vide judgment of acquittal dated 11.09.2019.

Learned State counsel on instructions from ASI Raj Kumar has tried to explain the position of stationary vehicle at point A.

The allegations in the FIR are that the vehicle was in slow motion. The position of the vehicle at point A viz-a-viz the placement of the contraband at point B and placement of police party at point C would remain debatable even as per the contents of the site plan and FIR. The recovery is in excess of quantity prescribed for non-commercial quantity and margin is of 50 grams. Challan has been presented. Charges have been framed. No prosecution witness has been examined so far. Petitioner is in custody since 13.08.2019. Trial of the case may take some time in its culmination.

At this stage, without meaning anything on merits of the case, the petitioner is directed to be released on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

17.02.2020

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No