

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

**CRM-M-50764-2019 (O&M)
Date of decision: 21.07.2020**

Manish Kumar

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Yashpal Thakur, Advocate
for the petitioner.

Mr. J.P. Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J.

CRM-15961-2020

For the reasons stated in the application, same is allowed and date of hearing is preponed to today.

CRM stands disposed of.

CRM-M-50764-2019

Prayer in this petition is for grant of regular bail in FIR No.194 dated 13.08.2019 under Section 21 of NDPS Act, registered at Police Station Kharar, District Mohali.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police party apprehended the petitioner on suspicion, as he had thrown a poly bag on road. On checking, it was found to be containing 105 vials of Avils and 21 strips of Buprenorphine injections, each strip containing 05 injections i.e. total 105 intoxicant injections. It is further submitted that the recovery was effected around 2.00 pm, whereas the FIR was registered after

5.00 pm and in the recovery memo, search memo as well as personal search memo, the complete details of FIR has been given, which was registered after 5.00 pm. It is also submitted that this raises a suspicion that the petitioner has been falsely implicated and it is a matter of trial whether the police has followed the proper procedure or not. It is lastly submitted that the petitioner has undergone 11 months and 03 days and is not involved in any other case.

Learned State counsel, on instructions from the Investigating Officer, could not dispute the factual position.

Without commenting anything further on merits of the case, considering the facts and circumstances, 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.

Petition stands disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

21.07.2020
vishnu

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*