

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

219

**CRM-M-16428-2021
Date of Decision: 07.09.2021**

Arun Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Brijeshwar Singh Bhalla, Advocate for the petitioner.

Mr. B.S. Sewak, Addl. Advocate General, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed under Section 439 of the Cr.P.C. seeking regular bail in case FIR No284 dated 29.10.2018, under Section 22 of the N.D.P.S. Act, registered at Police Station City Tarn Taran, District Tarn Taran to which Section 29 of the N.D.P.S. Act was added lateron.

2. It may be mentioned that initially the petitioner was granted interim bail in this case, but was subsequently taken into custody in connection with some other case when the challan was filed against him.

3. In addition learned Counsel for the petitioner has drawn attention to the CCTV footage and photographs in the form of Annexures P-2 and P-3 and also affidavit of a neighbour of the petitioner namely Rohit Kumar (Annexure P-4) in which it has been made out that actually the petitioner was arrested from his own house on 29.10.2018, and not in the evening of the same date as claimed in the FIR.

4. In para 7 of their reply, the official respondents have been somewhat evasive about the aforesaid allegations although they do not dispute

authenticity of the CCTV footage as such. Their contention in this regard is as follows:-

“7. That it is submitted that as far as alleged CCTV footage Annexure P-2 & P-3 is concerned, the alleged CCTV footage as well as photographs may be recorded when the police party brought the petitioner to police post Daburji or may be when the pain killer tablets/capsules were recovered from the house of the petitioner at the instance of the petitioner himself and now the petitioner is trying to use that alleged footage as well as alleged photographs to conceal his guilt.”

5. Be that as it may, this Court is of the opinion that considering the long detention undergone by the petitioner so far, against whom there is no record of any involvement in any other case under the N.D.P.S. Act, without making any comment on the dispute regarding the genuineness of his arrest as claimed by the Police and other merits of the case, but also considering that the trial in the case is yet to commence since the first witness from the prosecution side has not yet been examined, he is ordered to be released on regular bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6. Disposed off.

07.09.2021

Vinay

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No