

In virtual Court

CRM-M-15191-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15191-2021 (O&M)
Date of decision: 29.06.2021

Mandeep Singh @ Mota

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

CRM-15469-2021

For the reasons stated in the application, same is allowed and date of hearing is preponed from 06.09.2021 to today.

CRM stands disposed of.

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Prayer in this petition is for grant of regular bail in FIR No.98 dated 02.04.2020 under Sections 21, 22, 29 of NDPS Act, registered at Police Station City Kapurthala, District Kapurthala.

Learned counsel for the petitioner submits that one day prior to

registration of the present FIR No.98, SI Harinder Singh registered another FIR No.95 on 01.04.2020 under Sections 307, 489-A, 489-B, 489-C, 489-D, 34 IPC read with Sections 21, 22, 29 of NDPS Act, at Police Station City Kapurthala, District Kapurthala. In the said FIR, four persons namely Ajay Kumar, Arsh Saini, Dharmender and Lovejot were arrested and on the disclosure statement of other accused, the petitioner was nominated in the said FIR. It is further submitted that the petitioner has already been granted the concession of regular bail in FIR No.95 vide order dated 16.06.2020 passed in CRM-M-13675-2020, as it was noticed that no recovery was effected from the petitioner and he was not arrested at the spot, though he was nominated in another FIR. It is also submitted that FIR No.98 was registered on the next day i.e. on 02.04.2020 by same Investigating Officer SI Harinder Singh with the allegations that when he was on patrol duty along with his co-officials, he noticed a person coming on feet and on seeing the police party, he became perplexed and turned back and started running away. Upon this, the police party apprehended him and he disclosed his name as Mandeep Singh @ Mota (petitioner). It is further stated in the present FIR that thereafter, SI Harinder Singh sent information to police station on mobile phone and asked to send a competent Investigating Officer at the spot.

Learned counsel, with reference to the police proceedings, which is part of the FIR, has submitted that on receiving the information in the police station, FIR was registered and thereafter, SI Raman Kumar was deputed to conduct the investigation at the spot, however, in the police proceedings, it is

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mentioned that when SI Raman Kumar started from police station, he was accompanied by SI Harinder Singh, who was supposed to be at the spot, as he apprehended the petitioner and he was not in the police station. This discrepancy makes the case doubtful, as the petitioner has been nominated in two FIRs on two successive dates by same SI Harinder Singh. It is further submitted that as on today, the petitioner has undergone more than six months of custody; investigation is complete and he is no more required for further custodial interrogation.

Learned State counsel has filed the custody certificate dated 28.06.2021 in the Court today and has submitted that charges have been framed on 02.03.2021, however, no PW has been examined, as the trial is delayed due to COVID-19 situation.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner is on bail in FIR No.95 and the submissions made above, 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 is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

29.06.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No