

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 203

CRM-M-19314-2020
Date of decision : 06.01.2021

Raman Dhawan @ Raman

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Dr.Anmol Rattan Sidhu, Senior Advocate, with
Mr.Raghav Gulati, Advocate and
Mr.G.S.Ghuman, Advocate, for the petitioner.

Mr.Amit Mehta, Sr.DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.24 dated 02.02.2020, registered under Sections 18 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act), at Police Station STF, STF Wing, SAS Nagar, Mohali (Ludhiana Zone).

Briefly stated, the case of the prosecution is that on receipt of a secret information the police put up a naka near the petitioner's house; when the petitioner and his co-accused came out of the petitioner's house in a car they were stopped; after following the provisions of Section 50 of the NDPS Act search of the persons in the car and of the car was conducted and from the boot of the car recovery of 3.100 kgs of opium and Rs.44 lakhs in cash was made.

Seeking regular bail for the petitioner learned counsel submits that the petitioner has been falsely implicated in the present case; he is in custody for over 11 months; no recovery has been made from the person of the petitioner; the alleged recovery from the boot of the car cannot be considered to be a recovery from the petitioner; nonetheless no further recovery is required to be made; in fact the petitioner had Rs.74 lakhs in his car which he had withdrawn to get registered a sale deed dated 18.11.2019 (Annexure P5); Rs.30 lakhs out of the sale deed amount have been embezzelled by the police; on objection by the petitioner he was given beatings resulting in 16 injuries on his person and foisting of the present case; there is no other

criminal case in which he is involved; even if the contents of the FIR are taken as a gospel truth, though vehemently denied, the alleged recovery of narcotics is marginally above the prescribed non commercial quantity; report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation and that the trial which is yet to commence will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he was found in illegal possession of 3.100 kgs of opium and Rs.44 lakhs in cash which were found in the boot of his car.

Whether the alleged recovery of narcotics and cash from the boot of the petitioner's car can be considered to be recovery from the petitioner and the petitioner's story with regard to foisting of the present case; Rs.30 lakhs having been usurped by the police as also of giving of beatings to him by the police shall be debated during the course of the trial. However, he has already suffered incarceration for over eleven months; he is not involved in any other criminal case; report under Section 173 Cr.P.C. has already been filed and therefore he is not in a position to influence the investigation and the petitioner's trial which is yet to commence is likely to take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Ludhiana the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

06.01.2021
shamsher

[DEEPAK SIBAL]
JUDGE

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