

213

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

CRM-M-20018 of 2020 (O&M)

Date of Decision: 13.08.2021

Rajinder Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

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

Present: Ms.Manpreet Ghuman, Advocate
for the petitioner.

Mr.Bhupender Beniwal, Asstt.A.G.Punjab.

(Through Video-conferencing)

RAJ MOHAN SINGH, J.(Oral)

CRM23892 of 2021

This is an application for placing on record additional documents Annexures A1 to A-3 i.e. challan under Section 173 Cr.P.C., copy of Ruqa and copy of Recovery memo.

For the reasons mentioned in the application, the same is allowed. Additional Documents annexures A-1 to A-3 are taken on record subject to all just exceptions.

CRM-M-20018 of 2020 (O&M)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.238 dated 22.04.2020 registered under Section 22/61 of the NDPS Act at Police Station City Barnala District Barnala.

FIR was registered on the basis of secret information. Petitioner and co-accused Pinki Kaur were arrested when they were in the process of counting the strips in a polythene bag. As per allegation, there were 2900 tablets of Alprasafe of 0.5 mg in the bag. They were accordingly arrested with the contraband.

Learned counsel for the petitioner submits that as per the prosecution case, the police party was not having any laptop and printer etc., still the copy of ruqa is found to be typed in vernacular form. In the recovery memo, FIR number duly appears at the top of it in a typed manner. The recovery memo does not contain the signature of the accused.

Learned counsel for the petitioner places reliance upon **Sandeep Kumar vs. State of Punjab, 2019 (4) RCR (CrI.) 741** and **Ajay Malik vs. State of UT, 2009 (3) RCR (CrI.) 649** to contend that the complicity of the petitioner on the basis of these documents would remain debatable. Co-accused Pinky Kaur has been granted regular bail by the High Court vide order dated 15.07.2020 passed in CRM-M No. 16921 of 2020.

Learned State counsel, on the other hand, submits that in view of antecedent behaviour of criminal activities of the petitioner, he is not entitled for any indulgence. Petitioner has been convicted in one NDPS case and in another case trial is pending..

As against this, learned counsel for the petitioner submits that the petitioner is on suspended sentence/ bail in those cases. The alleged involvement of the petitioner in other cases cannot be a ground to discard the prayer of the petitioner for grant of regular bail in the present case, in view of **Criminal Appeal No.154 of 2020 (arising out of S.L.P. (Crl.) No.9209 of 2019)** titled **Prabhakar Tiwari vs. State of U.P. and another** decided by the Hon'ble Apex Court on 24.01.2020.

Petitioner is in custody since 22.04.2020. Charges have been framed, but no prosecution witness has been examined so far. Trial of the case may take time in its culmination.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail

bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

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

(RAJ MOHAN SINGH)
JUDGE

August 13, 2021

Amandeep

Whether speaking/reasoned Yes/No

Whether reportable Yes/No