

CRM-M-19954-2020

Date of Decision: 22.04.2021

Amritpal Singh @ Amrit

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Vikas Gupta, Advocate, for
Mr. Parneet Singh Baidwan, Advocate,
for the petitioner.

Mr. Sandeep Singh Deol, D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

This petition has been filed under the provisions of Section 439 Cr.P.C., for grant of 'regular bail' to the petitioner in case FIR No. 0014, dated 09.02.2020, registered at Police Station Sadar, District Ferozepur, for the alleged commission of offences punishable under the provisions of Sections 21/22 of the NDPS Act, 1985.

On 10.09.2020 the following order had been passed by this court:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

**CRM-22554-2020 in/and
CRM-M-19954-2020**

An affidavit of a gazetted officer be filed in response to the petition, annexing therewith the mobile phone locations of all the police personnel who are stated to have apprehended the petitioner at the time and place mentioned in the FIR.

As regards the previous order passed, learned counsel for the petitioner submits that there is agricultural land in the name of petitioners' father, in respect of which he seeks to place on record some revenue records (Jamabandis).

Consequently, the application, i.e. CRM-22554-2020, is allowed subject to just exceptions and the aforesaid jamabandis are ordered to be taken on record, alongwith other documents annexed with the application.

As regards the amount of Rs.60,000/- allegedly recovered from the petitioner, learned counsel submits that because the petitioners' father had withdrawn Rs.2.5 lakhs on 31.12.2019 from the bank, the money recovered was part of that money.

Whereas it would be difficult for this court to understand as to why a person would be carrying Rs.60,000/- with him without any purpose, more than one month later while he was travelling, however, since learned counsel for the petitioner has also alleged that the petitioner was picked up from home and not from the spot where he is shown to have been picked up from, the affidavit alongwith the call details record of the police party is required to be filed by a gazetted officer.

Adjourned to 27.10.2020, the date already fixed in the main petition.

CRM-20427-2020

With the case to be taken up on 27.10.2020, after the affidavit of a gazetted officer is filed, this application, seeking advancement of the date of hearing, is dismissed."

Thereafter, on 08.02.2021, the following order had been passed:-

Thereafter, an affidavit of the DSP (City) Ferozpur, dated 08.11.2020, is on record, annexing therewith what are stated to be the call details records

of various police officers/officials.

Learned counsel for the petitioner points out that as regards the DSP (gazetted officer) who allegedly came to the spot and in whose presence the search of the petitioner and his co-accused was conducted, the only phone calls on 10.02.2020 are seen to be at 13:08 hours (i.e. 1:00 p.m. in the afternoon), whereas as per the allegations in the FIR, the petitioner and his coaccused were arrested near village Barre Ke around the mid-night of 9/10th February, 2020.

He further submits that as regards the calls details of other officials, only one person, i.e. SI Gurdev Singh, is shown to be present near village Barre Ke at the relevant time.

He therefore submits that the entire FIR is a concocted one, with no other police official from the police party present at the spot at the relevant time and with even no gazetted officer actually having come there, before whom the petitioner and his co-accused was searched, with a recovery of 4000 tablets of contraband allegedly having been made from them.

He next submits that one co-accused of the petitioner, i.e. Vicky @ Gulshan Singh, has already been admitted to bail by this court vide an order passed on July 10, 2020 in CRM-M-12458 of 2020.

Adjourned to 22.04.2021.

The petitioner already having been in custody for about one year, in the aforesaid circumstances he is ordered to be admitted to interim bail to the satisfaction of the trial court/CJM/Duty Magistrate concerned.

Counsel for the petitioner may file a detailed affidavit in respect of his contentions with regard to the call locations of all the police

officers/officials as have been given with the affidavit of the DSP (City) Ferozepur. ”

Keeping in view the entire circumstances of the case, without making any comment on the actual merits of the case but even in terms of Section 37 (1) (b) (ii) of the NDPS Act, 1985, a doubt having been caused on the actual recovery from the petitioner, even so without making any comment on the merits of the case, but for the purpose of this petition, such doubt obviously lingering in the mind of this court, the order passed on 08.02.2021 is made absolute.

It is also to be noticed that learned State counsel submits that as per his instructions out of 13 prosecution witnesses, none has been examined so far.

April 22, 2021

nitin

Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)

JUDGE

Yes

No.