

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(207)

CRM No. M-29620-2021

Date of Decision : 07.10.2021

Ravinder Pal @ Ravi

....Petitioner

Versus

State of Punjab

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Arshdeep Singh Brar, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 34 dated 31.03.2019, registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Rahon, District SBS Nagar (Nawanshahar).

Learned counsel for the petitioner argues that in fact, the petitioner has wrongly been involved in the present case and the factum that the mother of the petitioner was seen present in the police station much before the alleged time recorded in the FIR for apprehending of the petitioner, proves the fact that the petitioner was wrongly involved in the act

for which he is being proceeded against. Learned counsel for the petitioner

further argues that actually, the petitioner was picked up from his house along with one Kulwinder Ram @ Ghuggi around 12.35 p.m. on the alleged date of occurrence and thereafter, the father of Kulwinder Ram @ Ghuggi along with one Shingara Ram reached the Police Station at 1.10 p.m. and Gurmej Kaur, mother of the petitioner also reached at the police station at 2.12 p.m., which also shows the fact that the alleged apprehension of the petitioner at 3.30 p.m. by the police is factually incorrect.

Notice of motion was issued. The State filed an affidavit/status report more than once in the present case. In the first two affidavits, no explanation was furnished about the allegations of the petitioner, which have been noticed hereinbefore. Today, the 3rd affidavit has been filed, wherein, it has been admitted that father of Kulwinder Ram @ Ghuggi as well as one Shingara Ram visited the police station at 1.10 p.m. but the affidavit is silent as to for what purpose, they visited the police station. It is also not disputed that mother of the petitioner also reached police station at 2.12 p.m.

Keeping in view the facts narrated hereinbefore, learned counsel for the petitioner argues that petitioner has wrongly been involved in the present case and as there is no other case pending against the petitioner, he be granted the benefit of regular bail.

Notice of motion.

Mr. Ramdeep Partap Singh, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference and has filed affidavit of Davinder Singh, PPS, Deputy Superintendent of Police, Sub Division Nawanshahr, District SBS Nagar along with custody certificate of the

petitioner. Learned State counsel concedes that there is an improvement in the allegations against the petitioner as mentioned in the affidavits when compared with allegations in FIR and also concedes that the petitioner's mother was present in the police station much before the alleged apprehension of the petitioner at 3.30 p.m. Learned State counsel also concedes that the father of Kulwinder Ram @ Ghuggi along with one Shingara Ram visited the police station but submits that the affidavit is silent about the purpose of their said visit.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the above, as the petitioner has been able to point out certain discrepancies into the allegations alleged against him in the FIR and even those allegations against the petitioner are yet to be proved in the Court of Law, the petitioner has been able to cross the hurdles as imposed by Section 37 in the facts and circumstances of this case, especially that the quantity of the contraband allegedly recovered from the petitioner is marginally above the commercial and he is not involved in any other case.

No useful purpose will be solved by keeping the petitioner behind the bars, especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not influence the trial in any manner and will maintain good conduct, if he is granted bail. In case of default of the undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

October 07, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No