

CRM-M-31103-2020 (O&M)
Date of Decision: 09.03.2021

AMRIK SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. APS Deol, Senior Advocate with
Mr. Vishal Lamba, Advocate
for the petitioner.

Mr. Venu Gopal Jauhar, Sr. Deputy Advocate General, Punjab.

VIVEK PURI, J.(ORAL)

The matter has been taken up through video-conferencing due to
COVID-19 pandemic.

Custody certificate dated 09.03.2021 of the petitioner is taken on
record.

Through instant petition, the petitioner is seeking regular bail in case
bearing FIR No. 88 dated 13.04.2019 under Sections 22/29 of the Narcotic Drugs
and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') registered at
Police Station Sirhind, District Fatehgarh Sahib.

Briefly, the aforesaid FIR has been registered on the allegations that
on 13.04.2019, the police party had spotted the petitioner who on seeing the
police party threw a polythene bag from which 20 injections of Buprenorphine
and 20 vials of Avil were recovered.

It has been pointed out by learned Senior counsel for the petitioner
that he is in custody since 14.04.2019 and has undergone incarceration for
period of almost 01 year and 11 months.

Furthermore, as per the FIR, the petitioner had thrown the bag in which the contraband was carried, whereas, in the recovery memo, it has been mentioned that the petitioner had himself produced the bag containing contraband before the police which renders the case of the prosecution to be doubtful.

Learned State counsel, on instructions from ASI Karam Singh, has not disputed the aforesaid facts but has opposed the bail application on the ground that stringent provisions of Section 37 of the NDPS Act come into play as the quantity of contraband falls in the category of commercial quantity.

In the instant case, there is discrepant version as emerging in the FIR and recovery memo with regard to mode and manner in which recovery has been effected from the petitioner which provides reasonable grounds to doubt the genuineness of the version of the prosecution. The petitioner is not involved in any other case and as such, it can be assumed that he is not likely to commit offence while on bail. In such circumstances, rigours of Section 37 of the NDPS Act are relaxed. Furthermore, the petitioner is in custody for the last about 01 year and 11 months and the conclusion of trial is likely to take some time.

In these circumstances, the ends of justice will meet, if petitioner is extended the concession of regular bail.

Accordingly, the petitioner is ordered to be released on bail, subject to his furnishing bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate/Trial Court. However, the aforesaid observations have been circumscribed only for the purpose of disposal of the present bail application and shall not be construed as an opinion on the merits of the case.

09.03.2021
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No