

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

104+204

**CRM-M-33005-2020(O&M)
Decided on : 04.03.2021**

NAND LAL

. . . Petitioner(s)

Versus

STATE OF PUNJAB AND ORS
. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
(Through Video Conferencing)

PRESENT: Mr. B.S. Bairagi, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG Punjab
assisted by ASI Balwinder Singh.

MANJARI NEHRU KAUL, J. (Oral)

CRM-6513-2021

The application is allowed as prayed for. Annexures P-6 and P-7
are taken on record.

CRM-M-33005-2020

The instant petition has been filed under Section 439 Cr.P.C. for
grant of regular bail to the petitioner in case FIR No.74, dated 23.06.2020
under Sections 22 and 25 of the NDPS Act, 1985 registered at Police Station
Sadar Moga District Moga.

Learned counsel for the petitioner contends that a false case has
been planted on the petitioner just because he happens to be a follower of Dera
Sacha Sauda. He further submits that the petitioner was in fact picked up from
his house on 23.06.2020 and not apprehended at Chowk Village Rattian with
the alleged contraband by the police as alleged in the FIR in question. In
support of his submission the learned counsel has invited the attention of the
Court to Annexure P-2, which are stated to be photographs of the petitioner
wherein he is being shown escorted by the police to a police vehicle. It has

concerned vide Annexure P-4 about her son i.e., the petitioner having been illegally picked up by the police and a false case planted. However, the enquiry which was marked to a Deputy Superintendent of Police by the Inspector General of Police in pursuance to the aforementioned representation Annexure P-4 was still pending as the Inquiry Officer had failed to proceed with it by not appearing.

Per contra, learned State counsel while opposing the prayer and submissions made by the learned counsel for the petitioner on instructions from ASI Balwinder Singh has submitted that the investigation in the case stands completed and final report under Section 173 Cr.P.C., stands presented before the Court. He has further contended that a huge recovery of 920 strips Clovidol-100-SR having 10/10 tablets totalling 9200 tablets was effected from the petitioner and the co-accused Raman Kumar which falls under the 'commercial quantity'.

Heard.

In the facts and circumstances of the case and more so when final report under Section 173 Cr.P.C., already stands presented, this Court cannot venture into appreciation of the documentary evidence, which has been annexed with this petition as Annexure P-6.

The petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

March 04, 2021

S.Sharma(syr)

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