

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-35372-2020 (O&M)

Date of decision: 14.12.2021

Rohit Soni

....Petitioner

V/s.

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Sandeep Verma, Advocate for the petitioner.

Mr. H.S.Grewal, Addl.A.G., Punjab.

Ritu Bahri, J. (Oral)

This petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case F.I.R. No. 155 dated 24.11.2019 under Sections 22 and 29 of NDPS Act, 1985 registered at Police Station Chhajali, District Sangrur.

Learned counsel for the petitioner has referred to judgments passed by this Court in **CRM-M-14595-2020** titled as **Sharna Ram Vs. State of Punjab**, decided on 19.11.2020, **CRM-M-2396-2020** titled as **Rajwinder Singh @ Raju Vs. State of Punjab**, decided on 07.02.2020 and **CRM-M-29004-2019** titled as **Amandeep Kaur @ Kalo Vs. State of Punjab**, decided on 19.11.2019, in which while dealing with the cases under NDPS Act, it is observed that if the private vehicle is used officially and this information has not been given to the office, and it has neither been mentioned in the FIR nor in the DDR, this can be a ground for grant of regular bail to the petitioners.

In the present case, as per the custody certificate dated 09.12.2021, the petitioner is in custody for 2 years and 8 days and he

had surrendered after availing the benefit of interim bail on 16.11.2021. As per para 2 of the affidavit dated 14.12.2021 filed by Deputy Superintendent of Police, Sub Division Dirba, it is stated that as per the order of Senior Officers, the next investigation was carried out by Inspector Jaswinder Singh on the spot but due to non-availability of government vehicle at Chhajali Police Station Chhajali, a private Swift car bearing number PB-13AK-1938 which was in the name of ASI Gurbhej Singh No. 60/SGR who was the member of Police party was used for official duty. But the mentioning of car and its number remained in the departure report inadvertently.

Learned counsel for the State has further informed that after framing of charges, only 7 witnesses out of 14 witnesses have been examined so far. Recovery of 5700 intoxicant tablets (which is commercial quantity) was effected from the petitioner.

Keeping in view aforesaid judgments given by the Coordinate Benches on non-mentioning of private Swift car in the departure report and the petitioner is in custody for 2 years and 8 days and the fact that trial is not likely to conclude in near future, this Court feels that there is no need to detain the petitioner any longer. Accordingly, this petition is allowed and the petitioner is ordered to be enlarged on bail to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate.

Pending application stands dismissed.

14.12.2021**Divyanshi****RITU BAHRI
(JUDGE)****Whether speaking/reasoned:****Yes/No****Whether reportable:****Yes/No**