

CRM-M-36308-2020

Date of Decision: 31.08.2021

Raman Kumar @ Neola

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Ashish Aggarwal, Advocate, for the petitioner.

Mr. Sidakmeet Sandhu, A.A.G, Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

This petition has been filed under the provisions of Section 439 of the Cr.P.C., for grant of 'regular bail' to the petitioner in case FIR No. 98, dated 17.11.2008, registered at Police Station Harike, District Tarn Taran, for the alleged commission of offences punishable under the provisions of Sections 21/61/65 of the NDPS Act, 1985.

After the order dated 14.01.2021, the following order had been passed by this court on 23.02.2021:-

“Case heard by way of video conferencing.

Today learned State counsel submits that the petitioner having been declared to be a proclaimed offender on 03.01.2012 and was thereafter arrested in the context of another FIR registered against him in the year 2012, on December 16, 2012, i.e. after a period of more than 11 months and that he remained in custody in that case till he was acquitted on 20.10.2016, with

him thereafter arrested in the context of the present case on 27.07.2020.

Learned counsel for the petitioner however submits that the petitioner was not aware of the present case pending against him, in view of the fact that his counsel had informed him (as contended) that he had been convicted and fined Rs.2000/- only, the quantity of heroin alleged to have been recovered from him being far less than commercial quantity which starts from above 250 grams, with the quantity allegedly recovered from the petitioner being 100 grams.

He further submits that though the report under the provisions of Section 173 of the Cr.P.C. has been submitted to the competent court, however no prosecution witness has been examined so far.

Looking at the fact that the quantity of contraband alleged to have been recovered from the petitioner is far less than the commercial quantity, and he has been in custody for about 6 ½ months now, with the trial still to commence, without making any comment on the merits of the case, the petitioner is ordered to be admitted to interim bail, on his furnishing adequate bail and surety bonds to the satisfaction of the trial court/CJM/Duty Magistrate concerned, till the next date of hearing only.

Adjourned to 03.05.2021.”

Today, learned counsel for the petitioner submits that the trial has still to effectively commence.

That being so, there being obviously no bar under the provisions of the NDPS Act, the quantity of heroin allegedly recovered from the petitioner admittedly being well below commercial quantity even as per a query put to learned State counsel, without making any comment on the actual merits of the case, the petition is allowed and the order dated 23.02.2021 is made absolute, on the same terms and conditions.

The affidavits filed by the Deputy Superintendent of Police, Sub-Division Patti, District Tarn Taran, dated 14.12.2021 and 19.02.2021, are ordered to be taken on record.

[It is seen today that in the order dated 23.02.2021 the first line of the order erroneously mentioned the word “having”, whereas it should actually have been “had”.

Consequently, the order has been corrected under the signatures of this court and therefore the order uploaded on the website of this court be got deleted and the corrected order thereafter be uploaded.]

August 31, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.