

**CRM-6107-2021 in/and
CRM-M-42733-2020
Date of Decision: 07.04.2021**

Rajinder Sisngh alias Happy

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Naveen Sharma, Advocate,
for the applicant-petitioner.

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

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

CRM-6107-2021

By this application, the applicant-petitioner seeks to place on record a copy of an application moved before the trial court seeking that the call details records and mobile locations of the police party as is alleged to have apprehended him be preserved, with the order passed by that court on 24.11.2020 also sought to be placed on record.

Notice in the application.

On the asking of the court, Mr. Sidakmeet Sandhu, A.A.G, Punjab, accepts notice on behalf of the respondent-State.

The application is allowed subject to all just exceptions and the copy of the aforesaid application filed by the petitioner, as also the order of the learned Special Judge, Bathinda, dated 24.12.2020, are ordered to be taken on record as Annexures P-4 and P-5 with the accompanying petition.

CRM-M-42733-2020

This petition has been filed under the provisions of Section 439 Cr.P.C., for grant of 'regular bail' to the petitioner in case FIR No. 101 dated 24.06.2020, registered at Police Station Civil Lines, District Bathinda, for the alleged commission of offences punishable under the provisions of Sections 21/22 of the NDPS Act, 1985.

Pursuant to the order dated 19.01.2021, a reply by way of an affidavit of the Deputy Superintendent of Police, Bathinda, has been filed, which is ordered to be taken on record.

Learned counsel for the petitioner submits that if this court summons the call detail records, it would be very obvious that the petitioner was not actually apprehended in the manner shown in the FIR but was in fact picked up from his home on the very next day after the Special Task Force of Bathinda found no ground to detain him, and in fact the Special Task Force of Mansa therefore picked him up the next very day.

Upon query to learned State counsel, he submits that as per his instructions, there is no other criminal case registered against the petitioner.

Since, as regards this court calling for the call details records, that is obviously now a matter of evidence before the trial court, I would not like to make any comment thereupon, but in view of the fact that there is a fair chance that what the petitioner is contending stating may be correct, and a person should not be kept in custody where there is such a fair chance in my opinion, therefore even in terms of sub-clause (ii) of clause (b) of sub-section (1) of Section 37 of the NDPS Act, 1985, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court.

It is however made absolutely clear that the observations made by this court would not in any manner affect the outcome of the trial, which naturally would proceed as per the evidence led before the trial court.

April 07, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.