

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14028-2020

Date of decision-08.02.2022

Satwinder Singh @ Satti

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: None for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.166 dated 23.12.2019 under Section 22-B of the NDPS Act No.61 of 1985, registered at Police Station Baragudha, District Sirsa.

Initially, the case was heard on 19.06.2020 by this Court and the following order was passed:

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioner seeks the concession of 'regular bail', upon FIR no.0166, dated 23.12.2019, having been registered against him, alleging therein the commission of an offence punishable under Section 22-B of the NDPS Act No.61 of 1985.

Mr. Sidhu today points to the transcript of a recording allegedly made on the telephone of the petitioner at the time that he was apprehended by the police and points out that in fact the whole case has been planted upon him, with the police officials exchanging conversation even about money being paid etc. (by way of bribery).

He further submits that the the petitioner has been in custody in such circumstances for almost 6 months now.

Mr. Bansal, learned DAG, Haryana, submits that if the transcript is to be believed, naturally, the matter may be further enquired into, if this court is of that opinion,

though otherwise an inquiry has already been conducted by a DSP.

Mr. Sidhu however further submits that in the said inquiry all that the DSP said was that since a recovery is shown to have been made, no further action need be taken on the complaint made by the petitioners' mother.

He has also sent vide e-mail communication, the recording stated to have been made from the petitioners' phone on the date that he was arrested, to the co-ordinator of this video conferencing.

The Superintendent of Police, Sirsa, is directed to go into the matter in detail and to file his own affidavit by the next date of hearing positively, as to what was enquired into with regard to the aforesaid recording, and if there is any truth in the allegations made by the petitioner and his mother, what action is being taken by him against the police officials concerned.

It is made absolutely clear that any false averment found made in the affidavit to be filed, or if the court suspects any shielding of the officials, naturally a very adverse view shall be taken and action shall be initiated against the SP also if need be in such circumstances, where allegedly a person has been even asked for a bribe, as would seem to be from the audio recording put up to this court alongwith its 'transcription'. Hence, the SP is directed to ensure that a thorough and true inquiry is made into the matter, with him to personally enquire into it himself.

Of course, if after such thorough enquiry it is shown to the court that there is no truth in the allegation, whatsoever, that would be obviously considered thoroughly by the court.

Adjourned to 09.07.2020."

In the reply dated 15.03.2021 filed on behalf of Superintendent of Police, Sirsa, a specific stand has been taken that the concession of bail was extended to the petitioner under Section 167(2) Cr.P.C. by the trial Court vide order dated 29.06.2020. The said order is also on record as Annexure R-1.

Learned State counsel on instructions from ASI Rakesh Kumar has further stated that in compliance of the order dated 19.06.2020, an inquiry was initiated against the delinquent police officials and the statements of the official witnesses of the department have been recorded. He has invited the attention of the Court to para 4 of reply, which reads as under:

“4. That the inquiry against the delinquent police personnel, which was ordered to be conducted vide order dated 02.07.2020 (Annexure R-3) is in progress. Statements of all the witnesses of the department have been recorded. Defence evidence, if any, is yet to be recorded. Departmental inquiry is likely to be finalized in the near future.”

Considering the above background, nothing survives for adjudication in this case.

The petition is disposed off, accordingly.

08.02.2022

Poonam Negi

(MANOJ BAJAJ)
JUDGE

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