

CRM-M-26114-2022 (O&M)

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

**CRM-M-26114-2022 (O&M).
Decided on: July 19, 2022.**

Rohit Madhok @ Hittu

.. Petitioner

VERSUS

The State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

*** * ***

**PRESENT Mr.B.S.Kathuria, Advocate,
for the petitioner.**

Ms.Samina Dhir, DAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

CRM-24603-2022

Heard.

**For the reasons mentioned in the application, the same is
allowed.**

**Copy of medical of the petitioner (Annexure A-1) is
permitted to be taken on record.**

Main case

**Prayer in the present petition filed under Section 439
Cr.P.C. is for grant for regular bail to the petitioner in case FIR No.74 dated**

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20.04.2022, under Sections 21-B of the Narcotic Drugs and Psychotropic Substances Act, 1985 and under Sections 307, 353, 186 and 427 IPC, registered at Police Station STF Phase-4. Mohali.

As per the allegations in the FIR, police received a secret information against the petitioner and then picketing was laid and the car in which the petitioner was travelling was apprehended and on checking of car 100 grams of heroin was recovered from it's dashboard. There are also allegations that before stopping his car, the petitioner tried to run it over the police officials who signaled him to stop the car and consequently Constable Lovepreet Singh, a member of the police party, sustained injuries and was admitted in Civil Hospital, S.A.S Nagar, Mohali for his treatment.

Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and is in custody since 20.4.2022. Counsel for the petitioner further submits that after completion of investigation police has presented the challan.

Counsel for the petitioner further submits that as per prosecution version 100 grams of heroin was recovered from the car in which the petitioner was travelling and the said contraband falls under the non-commercial quantity. Counsel for the petitioner made prayer to grant regular bail.

The present petition has been resisted by the State counsel who submits that at the time of aforesaid recovery, the petitioner tried to run his car over the police officials as a result of which one member of the police party sustained injuries. State counsel further submits that

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during checking of the car of the petitioner 100 grams of heroin was found from its dashboard. The State counsel further contends that the police has presented the challan but trial is yet to commence.

I have considered the submissions made by the learned counsel for the parties.

As per the prosecution version, 100 gram of heroin was recovered from the car in which the petitioner was travelling on 20.4.2022. The said contraband comes under non-commercial quantity and as such, rigors of Section 37 (1) (b) of the NDPS Act, are not applicable to the case in hand. The injured police official has already been discharged from the hospital and it is a matter of evidence as to whether there was any intention on the part of the petitioner to kill any police official. Admittedly, the investigation has already been completed in this case and it will take time for the trial to conclude after framing of charges.

In view of above, no purpose is going to be served by keeping the petitioner in custody for any longer period. Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is hereby ordered to be released on regular bail subject to furnishing bail and surety bonds to the satisfaction of the CJM/Duty Magistrate concerned during the pendency of the trial.

July 19, 2022.
raj arora

(KARAMJIT SINGH)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No