

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-32952-2021 (O&M)

Date of decision: 23.03.2022

Vinod Kumar @ Baba Sonu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. A. S. Brar, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 46 dated 15.05.2020, registered under Section 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Kot Ise Khan, District Moga.

The first petition, bearing CRM-M-5486-2021, was dismissed as withdrawn on 29.06.2021.

Learned counsel for the petitioner submits that the new ground for filing the present petition is that now the petitioner is in long custody.

Learned counsel for the petitioner relies upon order dated 07.01.2021, vide which co-accused Sukhwinder Singh @ Sukha has been granted the concession of regular bail by this Court, vide order dated

07.01.2021 passed in CRM-M-22844-2020. The operative part of the order reads as under:

“Learned counsel for the petitioner submits that the FIR was registered by one ASI Paramdeep Singh with the allegations that he received a secret information that Vinod Kumar @ Baba and petitioner Sukhwinder Singh @ Sukha are indulged in the business of selling intoxicant tablets and are coming in a Etios car. On receiving the information, FIR was registered and thereafter, the petitioner along with other accused was arrested and recovery of 08 kgs and 40 grams containing salt tramadol tablets was effected. It is further submitted that in fact, one Sushil Kumar is involved in three FIRs i.e. FIR No.77 dated 03.08.2017 under Sections 22/29/61/85 of NDPS Act, Police Station Fatehgarh Panjtoor, FIR No.82 dated 23.01.2020 under Sections 22/25/61/85 of NDPS Act, Police Station Mehna and FIR No.13 dated 23.01.2020 under Sections 22/29/61/85 of NDPS Act, Police Station Shahkot, Jalandhar. The said person was having a grudge against the petitioner and he has given a false application to the police. It is also submitted that in order to harass the petitioner, he was picked up on 14.05.2020 from village Nasirpur Jania, Tehsil Dharamkot in front of house of one Ram Singh and from there, he was nominated as an accused.

Learned counsel for the petitioner further submits that the petitioner has already filed a case before the trial Court for preserving the CCTV footage outside the house of said Ram Singh and some interim order has been passed in this regard. The petitioner has no concern with co-accused Vinod Kumar @ Baba and he has been nominated by ASI Paramdeep Singh, who himself is facing three FIRs, as he is involved in nominating the innocent persons in NDPS cases and he has already been

suspended. It is also submitted that even the petitioner has moved an application before the higher police officials for conducting fair investigation. It is next submitted that the petitioner is in custody for the last about 07 months and is not involved in any other case and till date, no prosecution witness has been examined due to COVID-19 situation in the country and it will take long time in conclusion of the trial.

Learned State counsel, on the basis of custody certificate dated 06.01.2021 filed in the Court today, has not disputed the factual position, however, on the basis of affidavit of DSP, Dharamkot dated 15.12.2020, has stated that owner of the car was one Sarpreet Kaur, who was also nominated as an accused and in FIR No.1 dated 18.01.2017, Police Station Vigilance Bureau, Amritsar, aforesaid ASI Paramdeep Singh was suspended in connection with another FIR No.65 of Police Station Kot Ise Khan.

Affidavit of Investigating Officer/ASI Charanjit Singh, Police Post Daulewala, Moga, filed in the Court today, is taken on record and the same is on similar lines of affidavit of DSP and it is not disputed that the petitioner is not registered owner of the car, from where the recovery was effected, however, allegations in the FIR are reiterated in the affidavit.

Learned State counsel, on instructions from ASI Charanjit Singh, could not dispute that till date, no prosecution evidence has been recorded.

After hearing learned counsel for the parties, without commenting upon merits of the case and considering the aforesaid submissions made by learned counsel for the parties, this petition is disposed of and the petitioner is directed to be released on interim bail till 31.05.2021 subject to furnishing his bail/surety bonds to

the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.”

For the sake of brevity, the facts are not reproduced again.

Learned counsel for the petitioner further submits that in fact the petitioner is a religious head and on account of his following, a pressure was put upon him to join previous ruling party, for which he refused and on that account, he has falsely been implicated in this case.

Learned counsel further submits that in the aforesaid order, it has been noticed that ASI Paramdeep Singh, who sent *ruqa*, was also nominated as an accused by the Vigilance Bureau and stands suspended.

Learned counsel further submits that petitioner is in judicial custody for the last 01 year, 10 months and 02 days and he is not involved in any other case.

Learned State counsel has filed the custody certificate and the affidavit of Superintendent, Central Jail, Ferozepur along with the report of the Medical Officer, Jail Hospital, which reads as under:

“It is submitted that UT Vinod Rumar @ Sonu Baba S/o Vasudev is medically examined by on duty medical officer on 21-03-2022. He is calm conscious and well oriented to time place and person. He is known case of psoriasis and he is under continuous treatment from skin specialist from G.G.S MCH Faridkot. Patient is also known Case of Glaucoma and is under treatment for the same from Ophthalmologist at Civil Hospital Faridkot. Patient is also under treatment for his Psychiatric illness from jail hospital Faridkot. Currently patient is medically stable and is being planned for his followup visit in department of skin and Ophthalmology at civil hospital Faridkot.”

Learned counsel for the petitioner further submits that keeping in view the aforesaid facts, the petitioner may be enlarged on regular bail as he is in long judicial custody and the trial is not proceeding.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in long judicial custody, he is not involved in any other case; co-accused has already been granted on regular bail as noticed above and also in view of the health condition of the petitioner, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

23.03.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No