

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-30306-2020 (O&M)
Decided on :19.04.2022

Rajanjit Singh

. . . Petitioner

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Chanakya Buta, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 94 dated 10.05.2020 under 379-B(2) of the Indian Penal Code, 1860 (Sections 392, 411 and 34 of IPC, Section 22 of the NDPS Act, 1985 and Section 25 of the Arms Act, 1959 added later on) registered at Police Station City Moga, District Moga.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. It is further submitted that the petitioner was not named in the FIR and was subsequently made an accused on the basis of secret information received by the police and thereafter, the petitioner was arrested on 10.05.2020. It is

contended that another case i.e. FIR No. 87 was registered against the petitioner on 04.05.2020 in the same police station and the said FIR was registered only 6 days prior to the registration of the present FIR i.e. FIR No. 94. It is stated that in the other said case i.e. FIR No. 87, the petitioner has been acquitted and it was stated by one Som Dutt (the complainant in the said FIR) in his amended statement that he had seen the petitioner on 11.05.2020 in the market whereas, a reference has been made to the arrest memo dated 10.05.2020 to highlight the fact the petitioner was arrested on 10.05.2020 and was thus, in custody on 11.05.2020 and is being falsely implicated in the FIR. It is further contended that the petitioner has already been in custody from 10.05.2020 to 15.12.2021 i.e. for a period of 1 year, 7 months and 5 days. It is argued that a coordinate Bench of this Court was pleased to grant interim bail to the petitioner on 15.12.2021 and in pursuance of the same, the petitioner has already surrendered. It is submitted that the complainant has already been examined and there are as many as 24 witnesses out of which only two witnesses have been examined and thus, the trial is likely to take time.

Learned State counsel, on the other hand, has opposed the present application for regular bail and has submitted that the petitioner is involved in two other cases. It is further submitted that the recovery has also been effected from the petitioner including the recovery of 150 gms. powder of Tramadol Hydrochloride.

Learned counsel for the petitioner, in rebuttal, has submitted that the petitioner has been acquitted in both the abovesaid cases and the alleged recovery is also of non commercial quantity as the stipulated

commercial quantity of Tramadol Hydrochloride starts from 250 gms.

This Court has heard learned counsel for the parties and has perused the paperbook.

The petitioner was not named in the FIR and the petitioner is stated to have been arrested on the basis of secret information which had been received by the police on 10.05.2020. The petitioner was stated to be involved in another FIR No. 87 dated 04.05.2020 under Section 379-B IPC registered at Police Station City Moga, District Moga in which the petitioner has been acquitted. In case bearing FIR No. 87, which had been registered just 6 days prior to the present FIR, as per the amended statement of the complainant therein (Annexure P-2) the petitioner was stated to be roaming around in the market on 11.05.2020, whereas as per the arrest memo dated 10.05.2020 (Annexure P-3), the petitioner had already been arrested in the present case on 10.05.2020. Whether in the present case, the petitioner has been falsely implicated or not, would be determined at the time of the trial. The petitioner has already been in custody from 10.05.2020 to 15.12.2021 i.e. for a period of 1 year, 7 months and 5 days and thereafter since 16.04.2022, the petitioner has been in custody. The petitioner was granted interim bail by a Coordinate Bench of this court on 15.12.2021 and the petitioner thereafter has surrendered and has not misused the concession of bail and has not been involved in any other criminal activity. The recovery has already been effected from the petitioner and the complainant has already been examined. There are as many as 24 witnesses out of which only 2 witnesses have been examined and thus, the trial is likely to take time.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to his not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

All the pending miscellaneous applications, if any, stand disposed of, in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

April 19th, 2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No