

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37737-2021 (O&M)
Date of decision: 28.03.2022

Vavinder Kumar @ Bindu @ Vivender Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.172 dated 24.12.2020 under Sections 21/25 of NDPS Act, registered at Police Station Special Task Force, District STF Wing, Mohali.

Learned counsel for the petitioner submits that the FIR was registered at the instance of SI Dilbag Singh with the allegations that he received a secret information that petitioner Vavinder Kumar @ Bindu @ Vivender Kumar is indulged in selling of heroin and can be apprehended along with huge quantity of the same. It is argued that without giving any information to the police station or sending ruqa under Section 42 of NDPS Act, an information was sent to the DSP, STF, Border Range, Amritsar, who came at the spot and gave a notice under Section 50 of NDPS Act to the petitioner and

during his personal search, nothing was recovered. It is further stated in the FIR that the petitioner, in presence of DSP, made a disclosure that he has concealed the heroin under the footrests of small iron almirah kept in residential room of his house and this disclosure was signed by the DSP and thereafter, the recovery was effected from his house.

Learned counsel has referred to disclosure statement of the petitioner, which reads that in the office of STF, Border Range, Amritsar, he allegedly made the disclosure in presence of ASI Kulbir Singh and ASI Rohit Sharma, whereas the DSP has not signed or attested the said disclosure statement. It is thus argued that all these discrepancies raise a suspicion about the manner, in which the investigation was conducted.

Learned State counsel has filed the affidavit of SI Dilbagh Singh, STF, Border Range, Amritsar in the Court today and the same is taken on record. In the reply, aforesaid arguments raised by learned counsel for the petitioner are not replied; rather it is stated that as per disclosure statement of the petitioner, recovery was effected.

Learned State counsel, on the basis of custody certificate dated 26.03.2022, filed in the Court today, has submitted that the petitioner is in custody for the last 01 year, 02 months and 28 days; out of total 10 prosecution witnesses, none has been examined, though the charges were framed on 11.08.2021 and the trial is delayed due to COVID-19 situation. It is further submitted that the petitioner is involved in two more cases, however, he is on bail.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and

circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

28.03.2022

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[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No