

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

236

CRM-M-34682-2022

Date of Decision: 20.09.2022

Baldev Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. V.K.Sandhir, Advocate, for the petitioner.
Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Sukhdev Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.88 dated 17.07.2022 at Police Station Mohkampura, Amritsar, under Section 21(b)/29 of the NDPS Act and Sections 224/148/149/506 IPC (added later on).
2. It is the case of the prosecution that on 16.07.2022, during the course of patrolling, the police party came across a person, who upon noticing the police party, threw a polythene bag, which he was carrying. The said person was nabbed by the police and upon inquiry disclosed his name as Mohit. The bag thrown by said Mohit was found to contain 6 grams of 'heroin'. While the police was conducting the requisite proceedings, said Mohit @ Moti started shouting loudly calling '*Papa-Papa, Jagi, Rohit, Uncle (Taya)*', upon which several members of his family and other persons gathered at the spot and scuffled with the police party. It is alleged that Mohit bit the arms of S/CT Nishan Singh with his teeth and managed to escape. The police party was able to recognize the persons, who had scuffled with them as Bhag Singh, Veero, Raji, Baldev Singh,

- Paramjit Kaur, Jagjit Singh @ Jaggi, Maro, Mote, Verkha, Kamal, Manna, Rohit, Amllok Singh, Babli Deepu and other 8/10 unknown persons.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and has a clean record and that in any case, the petitioner, who is in judicial custody, would not be required for any fruitful investigation and as such, deserves the concession of regular bail.
 4. Opposing the petition, learned State counsel has submitted that since the petitioner had obstructed the police in performing their official duties and that the petitioner played an active role in scuffling with the police, which led to escaping of Mohit, a person who had committed an offence under the NDPS Act, no case for grant of bail is made out. It has, however, been informed that the petitioner as on date has been behind bars since the last about 2 months and is not involved in any other case.
 5. This Court has considered rival submissions.
 6. Keeping in view the fact that it is not the petitioner, who was found in possession of any contraband and also that the petitioner otherwise enjoys a clean record and has been behind bars for the last about 2 months, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

20.09.2022

Vimal

(GURVINDER SINGH GILL)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No