

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33937-2020 (O&M)
Date of decision: 04.04.2022

Amrik Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. K.S. Sidhu, 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.87 dated 21.07.2020 under Section 21(c) of NDPS Act, registered at Police Station STF Phase 4, SAS Nagar (Mohali).

On 19.01.2022, following order was passed by this Court: -

“On December 14, 2021 the following order had been passed by this court:-

“Learned counsel for the petitioner has produced in court photocopies of various documents including a recovery memo shown to be dated 21.07.2020, to submit that in fact it has not even been signed by the petitioner

and therefore with there being a 50 minute delay between the alleged receipt of secret information and even the scribing of the ruqqa that was sent to the police station by way of information, the whole case has been planted on the petitioner.

The AIG concerned of the Special Task Force, Patiala, is directed to go into the matter and to file his own affidavit in response to the aforesaid query, with the contention of learned counsel for the petitioner therefore to be considered by this court, as to whether the petitioner would therefore be entitled to the concession of bail even in terms of Section 37(1)(b)(ii) of the NDPS Act, 1985.

Adjourned to 19.01.2022.”

Despite the aforesaid order, no affidavit has been filed by the AIG, Special Task Force, Patiala.

That being so, the arrest of the petitioner in the manner shown in the FIR becomes completely suspect in the eyes of this court, at least at this stage. Consequently, without making any final comment on the actual merits of the case, the petitioner is directed to be released on interim bail even in terms of Section 37 (1) (b)(ii) of the NDPS Act, 1985, till the next date of hearing before this court.”

Learned counsel for the petitioner submits that in pursuance of

the aforesaid order, the petitioner was released on interim bail. It is further submitted that there is an unexplained delay in sending the secret information to the police and even on the recovery memo, signatures of the petitioner were not taken. It is also submitted that the custody of the petitioner, as on today, is 01 year, 06 months and 08 days; out of total 19 prosecution witnesses, only 02 PWs have been examined so far and it will take some time in conclusion of the trial.

Learned State counsel has filed the custody certificate dated 02.04.2022 in the Court today and has not disputed the factual position.

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 interim order dated 19.01.2022 passed by this Court, granting interim bail to the petitioner, is hereby made absolute.

[ARVIND SINGH SANGWAN]
JUDGE

04.04.2022
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No