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

**CRM-M-45836-2021 (O&M)
Date of decision: 16.05.2022**

Satvir 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 2nd petition is for grant of regular bail in FIR No.160 dated 23.12.2020 under Section 15 of NDPS Act, registered at Police Station Julkan, Tehsil & District Patiala; earlier one was dismissed as withdrawn on 21.09.2021.

Learned counsel for the petitioner submits that the FIR was registered at the instance of ASI Gurmukh Singh with the allegations that at about 05.00 pm, he received a phone call from SI Manjit Singh that while on patrol duty at about 04.30 pm, a boy was seen coming in a Skoda car bearing registration No.HR-26-BE-8909 and he was apprehended and on the basis of

suspicion of carrying some intoxicant substance, information was sent to the police station for registration of FIR. Thereafter, second Investigating Officer reached at the spot at about 05.35 pm and asked driver of the car about his identity, who informed his name as Satvir Singh (petitioner). Thereafter, by giving notice under Section 50 of NDPS Act, in presence of Gazetted Officer, recovery of 03 boxes of poppy husk weighing 17 kg each i.e. total 51 kg, was effected.

Learned counsel has argued that though the information was received by the police party at about 04.30 pm and the petitioner was apprehended around 05.30 pm and ruqa was sent to the police station for registration of FIR at about 10.00 pm, after completing the entire proceedings at the spot and FIR was registered at about 10.30 pm. It is further submitted that during the time, when the investigation was carried out, signatures of the petitioner were taken on number of documents like recovery memo of car, site plan, information of arrest, personal search memo etc., however, recovery memo, vide which 51 kg of poppy husk was recovered, was never got signed from the petitioner, which raises a suspicion. It is also submitted that all these documents bear the details of FIR, though FIR number was later on incorporated by pen and it also raises a suspicion about the investigation carried out at the spot. It is next submitted that there were three boxes, weighing 17 kg each and weight of total contraband was taken including weight of the box and the recovery is marginally higher than the commercial quantity of 50 kg.

Learned counsel has further submitted that the petitioner is first

offender; he is in custody for the last 01 year, 04 months and 07 days and out of total 14 prosecution witnesses, only 01 PW has been examined so far, therefore, it will take some time in conclusion of the trial. Learned counsel has relied upon certain certificates of the petitioner, to submit that he is pursuing his education and belongs to an agricultural family and none of his family member is involved in any criminal case.

Learned State counsel has filed the custody certificate 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 aforesaid facts and circumstances of the case; stage of the trial; custody of the petitioner and his antecedents, 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.

[ARVIND SINGH SANGWAN]
JUDGE

16.05.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No