

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-47067-2021

Decided on: 17th March, 2022

Vijay Kumar

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Impinder Singh Dhaliwal, Advocate for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

1. Due to COVID-19 situation, the Court is convened through video conference.
2. This is second petition seeking regular bail in FIR No. 137, dated 24th July, 2020, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered at Police Station Kabarwala, District Sri Mukstar Sahib. The earlier bail petition was dismissed as withdrawn on 17th August, 2021 with liberty to revive the prayer at a later stage.
3. As per the case set up, on 24th July, 2020, police party while on routine patrolling saw one person coming from the side of village Gadda Dhob, carrying a transparent polythene bag. On seeing the police, he threw the bag and ran away. From the polythene bag, Three Thousand Fifty tablets of tramadol hydrochloride were recovered. It is claimed that ASI Baljinder Singh identified the person as he knew him. The accused was identified as petitioner. Petitioner was apprehended on 7th February, 2021.

4. Learned counsel for the petitioner submits that it is a case of false implication, petitioner has been roped in this case due to his involvement in other cases under the Excise Act. Petitioner was not apprehended from the spot. He further submits that investigation is complete and no recovery is to be made from the petitioner.

5. Learned State counsel opposes the prayer for grant of regular bail and submits that ASI Baljinder Singh was identified the petitioner as earlier he was posted at Police Station Kabarwala where two cases were registered against the petitioner in the year 2018-19.

6. Without commenting upon the merits of the case, considering that petitioner was not apprehended from the spot, the police official who claimed to have identified the person fleeing from the spot is relying upon a memory derived from the incident of 2018-19, investigation is complete, petitioner is not involved in any other case under the Act, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. The petition is allowed.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

17th March, 2022

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes /No
2. Whether reportable	:	Yes /No