

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

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CRM-M-46820-2022

Date of decision : 14.11.2022

Harpreet Singh @ Latu

... Petitioner

Versus

State of Punjab

... Respondent

***CORAM: HON'BLE MR.JUSTICE VIKAS BAHL***

Present: Mr.Ajay Pal Singh Rehan, Advocate  
for the petitioner.

Mr. Ramdeep Partap Singh, Sr.DAG, Punjab.

**VIKAS BAHL, J.(ORAL)**

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.80 dated 14.06.2022 registered under Sections 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act 1985 (in short "NDPS Act") (Sections 308 and 34 IPC added later on) at Police Station Dhariwal, District Gurdaspur.

Learned counsel for the petitioner has submitted that the FIR was registered after a delay of 3 days inasmuch as it was on 11.06.2022, when Manish @ Mani had left the house whereas the complaint had been filed on 14.06.2022. It is further submitted that the petitioner was granted the concession of regular bail vide order dated 20.06.2022 (Annexure P-1) by the Additional Chief Judicial Magistrate, Gurdaspur in the FIR which was initially registered under Sections 27 and 29 of the NDPS Act, 1985. It is contended that after a gap of three months i.e. on 05.09.2022, the

petitioner and the co-accused Manpreet Singh @ Sunny had given beatings to his brother Manish @ Mani on the date of the alleged incident. It is contended that there is no credible evidence or medical evidence in support of the alleged beatings. It is further contended that even as per the FIR, it has been mentioned that Manish @ Mani was a drug addict. It is argued that the police authorities cannot outrightly arrest the petitioner once the petitioner had already been granted the concession of bail by the Additional Chief Judicial Magistrate, Gurdaspur, vide order dated 20.06.2022 in the earlier of sections and it is necessary to obtain an order from the Court either qua cancellation of bail or seeking permission to arrest the petitioner on account of changed circumstances and has relied upon a judgment passed by the Hon'ble Supreme Court in **Pradeep Ram Versus State of Jharkhand and another** reported as **2019(3) RCR (Criminal) 538** in support of the same. It is stated that the petitioner has been in custody since 17.09.2022 and earlier also he was in custody from 15.06.2022 to 20.06.2022 and is not involved in any other case. It is further stated that the petitioner in order to show his bona fide, is ready to give an amount of Rs.20,000/- to the complainant without admitting his liability, for the purpose of medical expenses incurred by the injured within a period of two weeks from today.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the present petitioner was specifically named in the supplementary statement dated 05.09.2022 and he had given beatings to Manish @ Mani, who is the brother of the complainant. The other facts have, however, not been disputed.

This Court has heard learned counsel for the parties and has perused the paper book.

The FIR has been recorded after a delay of 3 days inasmuch as on 11.06.2022 said Manish @ Mani left the house whereas the complainant was fled on 14.06.2022. The petitioner was granted the concession of regular bail vide order dated 20.06.2022 (Annexure P-1) in the present FIR as the FIR was registered under Sections 27 and 29 of the NDPS Act and it was a gap of 3 month i.e., on 05.09.2022 on the basis of supplementary statement of the complainant, the petitioner was again arrested on 17.09.2022 and since then he has been in custody. In the FIR itself, it has been mentioned that Manish @ Mani was a drug addict. The petitioner is stated to be not involved in any other case.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case and subject to preparing a demand draft for an amount of Rs.20,000/- in the name of the complainant Honey and hand over the same to the Investigating Officer within a period of two weeks from today and the Investigating Officer is directed to hand over the same to the complainant after taking receipt from the complainant.

It is made clear that in case the demand draft of the said amount is not handed over to the Investigating Officer within a period two weeks from today, then the present petition shall be deemed to have been dismissed. The payment of Rs.20,000/- to the complainant would be not construed as an admission of guilt by the petitioner.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses,

then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)  
JUDGE

November 14, 2022  
*Davinder Kumar*

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|-----------------------------|--------|
| Whether speaking / reasoned | Yes/No |
| Whether reportable          | Yes/No |