

2023:PHHC:051959

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No. 224

CRM-M-16405-2023
Date of Decision:-13.04.2023

RAJVIR SINGH @ NANNU

... Petitioner

Versus

STATE OF PUNJAB

.. Respondent

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CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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Present:- Mr. Parteek Pandit, Advocate for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

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SANDEEP MOUDGIL, J. (Oral)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No. 138 dated 11.08.2022 under Section 21, 22 and 29 of NDPS Act, 1985, Police Station Bhargo Camp, District Jalandhar.

Learned counsel for the petitioner contends that no recovery whatsoever was effected from the possession of the petitioner as the same was made from his mother and nephew. He further contends that the date of alleged offence in the instant FIR is dated 11.08.2022 however the petitioner was in custody in FIR No.73 registered with the same police station Bhargo Camp, District Jalandhar, under Section 307, 364, 341, 148, 149 IPC dated 28.04.2022 and in that eventuality there are reasons to believe that the petitioner has been falsely implicated in the case on the basis of false disclosure statement suffered by the co-accused i.e mother and his nephew.

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Learned State counsel has produced the custody certificate in Court today, which is taken on record. According to the custody certificate the petitioner has undergone total sentence of 06 months and 18 days despite having no cogent evidence to connect the petitioner with the commissioning of the offence in the instant FIR and also in the light of the fact that neither there was any recovery effected from him with regard to the contraband involved in the case nor was he wandering free to be implicated in the present FIR who was in custody in FIR No. 73 dated 28.04.2022 which makes the case of the prosecution highly improbable to be believed prima facie and therefore, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

13.04.2023
yogesh

(SANDEEP MOUDGIL)
JUDGE

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No