

2023:PHHC:116471
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-17619-2023

Date of Decision:-05.09.2023

VIKAS GOYAL @ VICKY

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J. (Oral)

1. The instant petition invoking the jurisdiction of this Court under Section 439 Cr.P.C. has been moved with a prayer for regular bail to the petitioner in FIR No.226 dated 04.10.2022 registered under Sections 22 and 29 of the NDPS Act at Police Station City Sunam, District Sangrur.
2. Learned counsel for the petitioner contends that its a case of false implication, wherein the alleged recovery of contraband i.e. 900 tablets of Tramadol in the form of 10 tablets each has been planted upon the petitioner out of enmity at the hands of complainant Renu Bala. He pointed out that some money transaction dispute is going on between Renu Bala, petitioner and his father, as the petitioner and his father are involved in business of running a cloth shop.
3. Learned counsel for the petitioner vehemently submits that the police party headed by ASI Darshan Singh are alleged to be travelling in private car, neither the ownership nor registration number of the said car has been mentioned in the police proceedings of the present case, which is

violation of the policy framed by the Department of Home Affairs and Justice, Government of Punjab vide memo No.7/395/14/2H3/1747 dated 24.04.2015 and policy No.5606-50/CR-LA-1 dated 04.05.2015 issued by the Directorate General of Police, Punjab.

4. It is also assertion of learned counsel for the petitioner that out of total 15 witnesses, only 2 witnesses have been examined so far and the petitioner is already behind the bars since 04.10.2022. He further submits that the petitioner has clear antecedents and is not involved in any other case. In support of his assertions, learned counsel for the petitioner has made reference to complaint case No.41 of 2020 dated 01.01.1900 registered under Section 138 of the Negotiable Instruments Act titled Renu Bala vs. Vikas Goyal pending in the Court of SDJM, Budhlada, wherein the petitioner stands acquitted/discharged on 28.10.2022.

5. On the other hand learned State counsel has produced the custody certificate, which is taken on record. He contends that recovery of 900 tablets of Tramadol in the form of 10 tablets each has been effected on the basis of secret information but could not convince the Court on the point raised as to from which place, the said contraband has been recovered.

6. Be that as it may, there is no explanation to the effective alleged recovery of 900 tablets of Tramadol in the form of 10 tablets each as the police party was travelling in private car, which is an admitted fact and neither its ownership nor registration number has been produced on record in any of the proceedings and out of 15 witnesses, only 2 witnesses have been examined so far, after framing of charges on 06.03.2023.

7. Looking into the totality of facts and the discussions made hereinabove, as trial is likely to take time to conclude, as out of 15 witnesses only 2 have been examined so far and the petitioner has clear antecedents, therefore, this Court is of the firm view that no useful purpose would be served by keeping the petitioner behind the bars for uncertain period.
8. In the light of the above, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.
9. The present petition is, hereby, allowed.
10. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

05.09.2023
P.Bhatt

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No