

223/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34981-2023

Date of Decision: 07.08.2023

Nitin Sharma

...Petitioner

vs.

State of Punjab

...Respondent

Coram : **Hon'ble Mr. Justice N.S.Shekhawat****Present :** Mr. Manjinder Singh Saini, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.40 dated 14.05.2023 registered under Sections 22, 29/61/85 of NDPS Act, at Police Station Chabbewal, District Hoshiarpur.

As per story of the prosecution, a police party headed by SI Gurnam Singh was on patrolling duty and one person was noticed on a motorcycle. On suspicion, he was apprehended, but he threw one packet of intoxicant tablets on the road. On inquiry, the said person disclosed his name as Vipam Kumar @ Deepu and from the thrown packet, 95 tablets were recovered. During the course of investigation, Vipam Kumar @ Deepu revealed the name of Nitin Bhardwaj and stated that he had purchased the tablets from Nitin Sharma. During interrogation of Nitin Bhardwaj, he stated that he had purchased the said intoxicant tablets from Randip Singh and also got recovered

20,000 intoxicant tablets along with Rs.10,000/- as drug money. The police arrested Randip Singh, who revealed the names of Mohit and Nitin Sharma and stated that he had purchased the said tablets from Mohit and Nitin Sharma. Even Mohit was arrested and during interrogation, he had revealed the name of Nitin Sharma as his co-accused. On arrest of Nitin Sharma, 1500 tablets of Tramadol and 600 tablets of Alprazolam were recovered from him.

Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case and has been arrested on the basis of the disclosure statement suffered by his co-accused. He further contends that recovery of the alleged contraband was planted on him and the report of the FSL is yet to be received and keeping in view the law laid down in the matter of ***“Inderjeet Singh @ Laddi and others Vs. State of Punjab” 2014(3) RCR (Criminal) 953***, the petitioner is entitled to concession of interim bail.

On the other hand, learned counsel appearing on behalf of the State of Punjab has vehemently opposed the grant of concession of bail to the petitioner. However, even the learned State counsel does not dispute the fact that the FSL report has not been received so far.

I have heard the learned counsel for the parties and perused the record.

The petitioner was arrested in the present case on 16.05.2023 and as per the admitted case of the parties, the FSL report is still awaited and the trial shall formally commence only after the receipt of the FSL report, so no meaningful purpose would be served by keeping the petitioner in custody.

At this stage, without commenting on the merits of the case, the instant petition is disposed of and the petitioner is directed to be released on interim bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/ Duty Magistrate, till the FSL report is received. The petitioner shall submit an undertaking before the trial Court/ Duty Magistrate along with his bail/surety bonds that he will surrender before the trial Court on receiving the FSL report. However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found misusing the concession of bail, in any manner.

07.08.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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