

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

218

CRM-M-39803-2022
Date of decision : 14.02.2023

Sony @ Sony

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

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

Mr. Joginder Pal Ratra, Senior D.A.G., Punjab
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.282 dated 22.08.2020 registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 307, 353, 186 and 427 of the Indian Penal Code, 1860 (to which Section 201 of the IPC was added later on) at Police Station Patran, District Patiala.

Status report dated 14.02.2023 by way of an affidavit of Sh.Gurdeep Singh, Deputy Superintendent of Police, Circle Patran, District Patiala and custody certificate dated 13.02.2023 have been filed by learned State counsel in the Court today which are taken on record.

Brief facts of the case are that on 22.08.2020 the police has received a secret information that the petitioner having mobile No.98721-89300 and a car make Swift bearing registration No.Pb-34B-

1507 along with 02 other persons coming from Gaziabad with heavy intoxicant tablets and going towards Nabha side. If nakabandi be laid near Toll Plaza Pains District Patiala, all of them can be apprehended. On basis of said information, the police conducted the nakabandi at the disclosed place where about 12:55 p.m. the petitioner in his car came at Toll Plaza on a very high speed. ASI Appar Singh placed his own car in front of the car of the petitioner and HC Gurinder Singh placed his car behind the car of the petitioner. On seeing this, the petitioner at once put his car on the back gear and hit his car with the car of HC Gurinder Singh. When the police party tried to stop his car, the petitioner tried to over-roll his car on the police officials and fled away along with his car. Thereafter, the petitioner was arrested on 12.07.2021 and 300 tablets of Tramadol were recovered from him.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The contents of the FIR are self contradictory one. The petitioner was not apprehended on the spot and nothing was got recovered from him. The petitioner has nothing to do with the allegations and offences as alleged in the FIR. Earlier also the Patiala police had registered many false and frivolous cases against the petitioner. The petitioner is already in custody in another case and he was arrested in the present case though production warrants on 12.07.2021. Co-accused Gurwinder Singh @ Goldy has been granted anticipatory bail by this Court vide order dated 22.07.2021. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

On the other hand, learned State counsel has opposed the present petition on the ground that the petitioner along with his co-accused has committed offence under the NDPS Act. He had also caused damage to the vehicle of the police officials and tried to run over his car upon the police officials in order to kill them. The petitioner is also involved in 02 other cases under the NDPS Act. Therefore, the petitioner does not deserve concession of regular bail and the present petition may be dismissed.

I have heard learned counsel for the parties and gone through the paper-book.

Keeping in view the facts and circumstances of the case, custody period of the petitioner and also the fact that the trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

The petitioner-Sony @ Sony is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

However, State will be at liberty to file application for cancellation of petitioner's bail, if he is found involved in any other case under the NDPS Act during the period of bail.

14.02.2023

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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No