

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

213

CRM-M-41679-2022
Date of decision : 01.02.2023

Kishan Lal @ Krishan Lal

Petitioner

V/S

State of U.T. Chandigarh

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Afjal Hussain, Advocate
for the petitioner.

Mr. Akashdeep Singh, Addl. Public Prosecutor
for U.T. Chandigarh.

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.202 dated 18.12.2021 registered under Sections 379 and 328 of the Indian Penal Code, 1860 (to which Section 411 of the IPC was added later on) at Police Station Sector-17, Chandigarh.

The above-said FIR was registered on a compliant made by complainant-Sagar alleging that on 17.12.2021 he took a passenger on his Auto from Bus Stand, Sector-17, Chandigarh to be dropped at Bus Stand, Sector-43. Passenger started talking with him and offered biscuit and told him that he wanted to go Delhi. When the complainant ate the biscuit, he felt dizzy and stopped Auto near the Parade Ground and become unconscious. When he wake up in the morning, he found himself in the hospital. He found his purse containing a sum of Rs.3500/- missing.

Learned counsel for petitioner submits that the petitioner was not named in the FIR and has been falsely implicated in the present case. There is no evidence against the petitioner. The alleged recovery from the petitioner is a planted one. The petitioner is in custody since 20.12.2021. Out of 11 prosecution witnesses only 03 have been examined so far. 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 in terms of status report dated 20.01.2023 filed by way of an affidavit of Sh. Gurmukh Singh, Deputy Superintendent of Police (Central), Chandigarh in the Court today which is taken on record.

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

As per the status report, on the identification of complainant-Sagar, the petitioner was arrested on 18.12.2021 from outer gate of ISBT, Sector-17, Chandigarh. From whom, a purse, copy of Driving Licence and Registration Certificate, photographs and Rs.1500/- were recovered and which was identified by the complainant. During personal search of the petitioner, 25 tablets and 30 tablets, 04 packets of biscuits and one open packet of biscuit were recovered which were sent to the CFSL. As per CFSL report, the tablets recovered from the petitioner containing salt '*Larazepam*' and the open packet of the biscuit was containing the salt '*Acetaminophen, Caffeine, Theobromine, 6 Monoacety Imorphine, Lorazepam and Alprazolam*'.

On the basis of CFSL report, Section 21 of the NDPS Act has been

added after obtaining opinion of D.A. Legal. The supplementary challan has now been presented on 17.01.2023.

Moreover, the petitioner is also involved in another case FIR No.203 dated 19.12.2021 of similar nature.

Keeping in view the facts and circumstances of the case, gravity of the alleged offences and the fact that the petitioner is a habitual offender but without commenting upon the merits of the case, I am of the considered view that the petitioner does not deserve the concession of regular bail.

In view of the above, the present petition is dismissed.

01.02.2023

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(ASHOK KUMAR VERMA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No