

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

CRM-M-51092-2022

Date of Decision: 28th February, 2023

Sanju alias Sanjay Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. PS Brar, Advocate for the petitioner.
Mr. Iqbal Singh Mann, Deputy Advocate General, Punjab.

AVNEESH JHINGAN , J.(Oral)

1. This is second petition under Section 439 of the Code of Criminal Procedure is filed seeking regular bail in FIR No.112 dated 24.05.2021 under Sections 384 IPC, 1860 and Sections 7, 13 of Prevention of Corruption Act, 1988 and under Sections 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act') registered at Police Station Rama Mandi, Jalandhar.

2. Earlier petition was dismissed as withdrawn on 14.12.2021 as the complainant was yet to be examined.

3. Brief facts are that the FIR was result of a complaint made by Chanderesh Sharma. The allegations were that on 23.5.2021 Sanju @ Sanjay Kumar (petitioner)-Constable in Punjab Police called his son at Chugiti Chowki. Subsequently, a demand of Rs. 50,000/- was made by threatening that the son of the complainant would be implicated in a NDPS case. The complainant was asked to give money on next day at Electricity House, BBMB Colony near Bye-pass. Acting upon the complaint, a raid was conducted and the petitioner was apprehended from the car. He threw a plastic packet which was having 1 gram of Heroin and Rs. 5000/- was

recovered from him.

4. Learned counsel for the petitioner submits that the petitioner is in custody since 25.5.2021, the material witnesses i.e. complainant and his son have been examined and no further recovery is to be made. He further submits that the petitioner has been falsely implicated due to professional rivalry.

5. Learned State Counsel opposes the prayer for grant of bail and submits that the conduct of the petitioner was unlike of police official, however, he fairly submits that the complainant and his son have been examined.

6. Without commenting on the merits of the case and considering the custody period, the facts that though investigation is complete, conclusion of trial is likely to take time, no further recovery is to be made from the petitioner, the complainant and his son have been examined and the petitioner being a police official there are *prima facie* no chance of his absconding, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. The petition is allowed.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main case has been decided, the pending application(s), if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

28th February, 2023
anuradha

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No