

S. No.224

2023:PHHC:160422

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

CRM-M-49223 of 2023

Date of Decision:14.12.2023

Rakesh Kumar Grover @ Kesha

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sanjeev Kumar Arora, Advocate for the petitioner.

Mr. R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J. (Oral)

Status report by way of affidavit of Shri Shamsher Singh, PPS, Deputy Superintendent of Police, Sub Division Kotkapura, District Faridkot has been filed on behalf of the respondent- State, along with the custody certificate.

By way of present petition filed under Section 439 Cr.P.C., petitioner has prayed for grant of regular bail in case FIR No.45 dated 07.03.2022 registered under Section 22(c) and 29 (Act No.61 of 1985) of the Narcotic Drugs and Psychotropic Substances Act (for short, 'the NDPS Act') at Police Station City Kotkapura, District Faridkot.

Allegations are that 16800 intoxicant tablets of Alprasafe-0.5 containing Alprazolam with total weight of 1978.368 grams, were recovered from the possession of co-accused Mohit, who nominated the petitioner to be supplier of the contraband.

Learned counsel for the petitioner contends that main accused Mohit, from whom recovery is alleged to have been effected, has already been allowed bail by this Court vide order dated 31.08.2023 passed by this Court in CRM-M-4071 of 2023 (O&M). Learned counsel has specifically pointed out towards the observations made by this Court while granting bail to Mohit. The said

observations as contained in the order dated 31.08.2023 (Annexure P.3) are as under:-

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“7. CRWP-2028-2022 had been filed by the petitioner through his father regarding his illegal detention on 07.03.2022 and the said CRWP was filed in the High Court at 10:07 AM as per the report Annexure P3 of the Joint Registrar (Rules)-cum-Public Information Officer of this High Court. It has been specifically mentioned in the said CRWP that petitioner had been apprehended by the officials of CIA staff, Faridkot. Apprehension of the petitioner with contraband has been projected by the Investigating Officer on 07.03.2022 at 11:45 AM. It is hard to believe that petitioner could know in advance that he was going to be apprehended by the officials of CIA staff, Faridkot and so, as a precautionary measure he had filed the CRWP in advance. Although, it will not be appropriate to comment on the statement of PWI SI Sukhdarshan Sharma (Annexure P8) made during trial, lest it prejudices the ld. trial Court, but at the same time, the admissions made by him, as pointed out by Ld. Counsel for the petitioner, cannot be ignored at this stage.”

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Learned State Counsel could not refute the afore-said contentions. Custody certificate placed on record reveals that the petitioner is in custody for the last 04 months and 19 days days with no criminal antecedents.

Having regard to the afore-said facts and circumstances, but without commenting anything on the merits of the case, present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned.

December 14, 2023

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Whether Speaking/reasoned
Whether Reportable

(DEEPAK GUPTA)

JUDGE

Yes/No
Yes/No