

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54841-2022
DECIDED ON: 16.01.2023

BALBIR KUMAR @BALVIR KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ruhani Chadha, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J. (ORAL)

This is a petition seeking regular bail in FIR No.216, dated 15.09.2022, under Section 22 of the NDPS Act, 1985 and Section 52 of Prisons Act, 1894, (Sections 29, 21 and 59(2) of the NDPS Act, added later on), registered at Police Station Special Task Force, District STF Wing, SAS Nagar.

Learned counsel for the petitioner contends that the alleged recovery was not effected from the petitioner as the same was recovered from the co-accused, namely Bunty Kumar @ Bachi i.e., 600 tablets of Alprazolam (parcel No.1; Annexure P-3), which is non-commercial in nature. It has been further asserted that the petitioner was roped in the present case, merely on the basis of disclosure statement of co-accused Bunty Kumar @ Bachi.

On the other hand, learned State counsel on instructions from ASI

Bhupinder Singh, submits that the modus operandi is highly shocking in the

way it was being transported, as has been elaborated i.e., the petitioner, who is an ASI in the Punjab Police, made an attempt to carry the contraband into the jail by hiding them in his private parts.

Looking into the totality of the facts and circumstances and considering the fact that the recovered contraband is non-commercial in nature; there is no other case pending against the petitioner and no recovery was actually effected from the petitioner, no fruitful purpose will be served by keeping the accused behind the bars. The petitioner is, therefore, directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

(SANDEEP MOUDGIL)
JUDGE

16.01.2023

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>