

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH  
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CRM-M-9312-2022

Sunil Kumar

.....Petitioner

Vs.

State of Haryana

.....Respondent

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Reserved On.: 05.04.2024  
Pronounced On: 08.04.2024  
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**CORAM: - HON'BLE MR. JUSTICE DEEPAK GUPTA**

Argued By: Ms. Rupinder Kaur Thind, Advocate  
for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

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**DEEPAK GUPTA, J.**

By way of this petition filed under Section 439 Cr.P.C, petitioner prays for his release on regular bail in case FIR No.221 dated 10.07.2021 registered under Section 22(C) of NDPS Act, 1985 registered at Police Station Ellenabad, District Sirsa.

2. As per prosecution allegations, a police party headed by ASI Ram Niwas apprehended petitioner on 9.7.2021 on suspicion in the area of village Chilkani Dhab, when he came there from the side of Rajasthan border carrying a plastic bag in his right hand. Suspecting some contraband in the bag, compliance of Section 50 of the NDPS Act was made. As per the option given by the petitioner, Gazetted Officer was called at the spot and in his presence search was effected. The bag was found to contain 48 boxes, each containing 60 strips of Tramadol Hydrochloride tablets. Total tablets were found to be 28800. Petitioner could not produce any permit or license. After completing

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necessary formalities, the petitioner was arrested.

3. It is contended by learned counsel that petitioner has been falsely implicated; that in fact on 09.07.2021 at about 05:52 p.m., he was going towards Chilkani Dhab to meet his sister and had taken a lift from one Bolero. When he reached near Ganpati Petrol Pump of Village Chilkani Dhab, some persons apprehended him. It is further contended that the police officials in civil dress apprehended the petitioner from near Ganpati Petrol Pump and later on his arrest has been shown with the contraband. It is also contended that entire occurrence of nabbing the petitioner from Ganpati Petrol Pump was captured on the CCTV. Petitioner also relied upon a CCTV footage as Annexure P-3.

4. Since allegations of false implication were made by the petitioner, a co-ordinate Bench of this Court vide its order dated 07.07.2022 directed to enquire into the matter with regard to the CCTV footage by some senior police officer. Inspector General of Police, Hisar Range was accordingly directed to look into the matter himself and file his affidavit.

5. Affidavit dated 10.08.2022 of Shri Rakesh Kumar Arya, IPS, Inspector General of Police, Hisar Range was filed, as per which a Special Enquiry Committee was constituted to do the needful with regard to the authenticity of the CCTV footage Annexure P-3. The original DVR obtained from the petrol pump as well as pen drive Annexure P-3 containing the CCTV footage were sent to Cyber Forensic Laboratory, Panchkula. However, as per the report of the Laboratory, due to the low pixel value, enhancement of the video was not possible. It was further reported that faces of the persons seen in the CCTV footage were not clear and so, it was not possible to identify any of

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those persons. After going through the affidavit of IGP and having considered the submissions of learned counsel for the petitioner, this Court vide order dated 16.09.2022 observed that Court was not satisfied with affidavit filed in the Court and so, directed the Director General of Police, Haryana to look into the matter on account of the allegations of the false implication. Vide the same order dated 16.09.2022, petitioner was directed to be released on interim bail.

6. Status report by way of an affidavit dated 20.12.2022 of Shri Prashanta Kumar Aggarwal, Director General of Police, Haryana, Panchkula was received revealing that investigation was transferred to State Crime Branch, Haryana. A Special Investigation Team was constituted headed by Additional Director General of Police. The CCTV footage was also sent to CFSL, Chandigarh. The report of said CFSL, Chandigarh was later on received, as per which also, the quality (pixel resolution) of the file was poor due to which enhancement of the video for retrieval of the details like registration number of the vehicles or facial indices of the persons could not be possible. It was also stated in the said latest status report dated 27.09.2021 that after completion of the investigation, challan had already been filed and Court had framed the charges on 05.01.2022.

7. Learned counsel reiterates the false implication of the petitioner and prays for making the interim bail absolute; whereas, on the other hand, learned State counsel pleads that petitioner was found to be in possession of huge quantity of contraband falling in the commercial category and so, he does not deserve to be given the benefit of bail.

8. I have considered submissions of both the sides and have perused the record carefully.

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9. As is evident from the two reports, one from FSL Panchkula and the other from CFSL, Chandigarh, the CCTV footage contained in the Pen Drive (Annexure P-3) relied by the petitioner could not be verified regarding its genuineness, due to its poor quality resolution and so, enhancement of the frames for retrieval of the details were not possible.

10. Be that as it may, petitioner remained in custody from 09.07.2021 till 16.09.2022, when he was allowed interim bail. In the meantime, after conclusion of investigation, challan has already been filed. It is also informed by learned State counsel that out of 12 witnesses cited by the prosecution, only examination-in-chief of 02 witnesses has been recorded so far. It is, thus, apparent that trial is likely to take long time. The contention of the petitioner to the effect that he is not involved in any other case is not refuted by learned State counsel.

11. Having regard to the above facts and circumstances, but without commenting anything further on the merits of the case, this petition is allowed. Interim bail earlier granted to the petitioner is made absolute on same terms and conditions, on furnishing fresh personal and surety bonds to the satisfaction of trial court concerned, on usual terms and conditions.

( DEEPAK GUPTA )  
JUDGE

April 08, 2024

Neetika Tuteja

|                           |        |
|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |