

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

223

CRM-M-58099-2023
Date of Decision.:28.02.2024

Hari Singh @ Tikkan

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.364 dated 19.12.2022 registered under Section 20 of NDPS Act, 1985 registered at Police Station Rama Mandi, District Jalandhar.

2. As per the allegations, 02 kg of charas was recovered from a black polythene contained in a bag carried by petitioner on 19.12.2022.
3. Learned counsel for the petitioner contends that petitioner has been falsely implicated in this case. Learned counsel has drawn attention towards the recovery memo Annexure P-3 in order to contend that recovery was effected at 06:25 p.m. and thereafter FIR was registered at 07:26 p.m. It clearly indicates that FIR was recorded after effecting the

recovery. However in the recovery memo, the FIR number is clearly mentioned, which creates doubt about the truthfulness of the prosecution case. Learned counsel also contends that petitioner is in custody for the last more than 01 year and 02 months and trial may take time to conclude and so, he be allowed bail.

4. Status report by way of an affidavit of Shri Nirmal Singh, PPS, Assistant Commissioner of Police, Sub-Division Central, Jalandhar along with custody certificate has been filed on behalf of respondent- State.

5. Learned State counsel has opposed the bail petition by submitting that recovered quantity of contraband falls in the commercial category. Learned State counsel has also drawn attention towards the custody certificate to contend that petitioner is involved in one more case pertaining to NDPS Act.

6. In reply to the aforesaid submission, learned counsel for the petitioner submits that petitioner is on bail in the another case pertaining to NDPS Act.

7. Heard.

8. *Prima facie*, the FIR number is mentioned in the recovery memo, though the said recovery memo was prepared prior to lodging of the FIR. Petitioner is in custody for the last 01 year 02 months and 04 days as per the custody certificate placed on record. Learned State counsel also informs on the basis of status report that 03 out of 11 prosecution witnesses have been examined so far. Thus trial is likely to take long time to

conclude.

9. Having regard to the above facts and circumstances, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

February 28, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No