

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

CRM-M No.23852 of 2018

Date of Decision: 20.11.2018

Pardeep Rai alias Deep

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Ajit Singh Natt, Advocate
for the petitioner.

Ms. Rashmi Attri, A.A.G., Punjab.

DAYA CHAUDHARY, J.

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to petitioner-Pardeep Rai alias Deep in case FIR No.29 dated 24.03.2017 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Mansa, District Mansa.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, he was not involved. As per allegations in the FIR, the police party was on patrolling duty to check the suspects and two young persons were found to be present alongside canal. They were having black poly bag in their hands. They tried to escape but fell down and intoxicants were spread on the ground. They were overpowered by the police party and disclosed their names. It is also mentioned in the FIR that vials and tablet strips were found in their possession i.e. 20 intoxicant vials of ONEREX MARKS WINGS BIOTECH and 20 strips of *Carisoma* from the possession of the petitioner and 10

intoxicating vials of ONEREX MARKS WINGS BIOTECH and 10 strips of Carisoma bearing mark WALLACE were recovered from the possession of co-accused Harbans Singh alias Bansi. Learned counsel also submits that all intoxicants were in the same poly bag but it was not verified as to which bag was carried by whom. Learned counsel further submits that the provisions of Sections 42 and 50 of the NDPS Act have not been complied with. Co-accused Harbans Singh alias Bansi has been released on regular bail vide order dated 09.05.2017 by the trial Court and the present petitioner is in custody since 24.03.2017. All witnesses are the official and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence.

Learned State counsel has not disputed the custody period and release of co-accused Harbans Singh alias Bansi on regular bail.

Heard the arguments of learned counsel for the parties and have also perused the contents of the FIR as well as other documents on the file.

Admittedly, as per allegations, the petitioner was found in possession of 20 strips of *Carisoma*, each containing 10 tablets, which comes to total 200 tablets. The alleged recovery has been shown to have been recovered from two accused as the carry bag containing said substance fell down on the earth and was intermixed. Co-accused Harbans Singh alias Bansi has already been released on regular bail on 09.05.2017. The petitioner is in custody since 24.03.2017. All witnesses are the official witnesses and there is no possibility that the petitioner may tamper with the evidence or influence the witnesses. There is one complaint under Section 138 of the Negotiable Instruments Act against the petitioner, wherein, he

was convicted. No case under the NDPS Act is pending against the petitioner.

Accordingly, by considering the custody and parity of co-accused, the present petition is allowed and petitioner, namely, Pardeep Rai @ Deep is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

(DAYA CHAUDHARY)
JUDGE

20.11.2018
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No