

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

CRM-M-33330 of 2018 (O&M)

Date of decision: 30.10.2018

Rashpal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Mansur Ali, Advocate and
Mr. Tushaar Madaan, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Assistant Advocate General, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of regular bail in case registered vide FIR No.08 dated 9.3.2018 under Section 22 of NDPS Act registered at Police Station Khalra, District Tarn Taran.

It is the case of prosecution that while the police party was patrolling, they saw one car coming from the direction of Narli and they signalled the car to stop. It is alleged that one person who was sitting on the rear seat ran away while the driver was apprehended who upon enquiry disclosed his name as Gurnam Singh. It is further the case of prosecution that upon search of said Gurnam Singh and also from the search of the car Tramzam-100-SR 61500 tablets, Subimol-T 5000 tablets, Parvorin Spas 13200 capsules, Alprozolam Kinlo-0.5 8800 tablets, Alprozolam-0.5 4800 tablets, Teridol-50 2100 capsules, Oxytocin Injection I.P 2000, Dicnac Vials 216, 20 packets Microlit 2000 tablets were recovered. It is the case of

prosecution that during the course of interrogation, the said Gurnam Singh disclosed the name of the person who had fled away from the spot as Rashpal Singh.

The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that he is neither named in the FIR nor was arrested at the spot and has been implicated solely on the statement made by co-accused which cannot be said to be admissible in evidence.

On the other hand, the learned State counsel has submitted that in fact the person arrested at the spot i.e. Gurnam Singh is real brother of the petitioner Rashpal Singh and that the petitioner is running a chemist shop and the petitioner along with his brother (co-accused) are illegally selling contraband and drugs and since huge quantity of contraband had been recovered from Gurnam Singh who had also made a statement to the effect that he was accompanied by the petitioner, no case is made out for grant of bail.

I have considered the rival submissions addressed before this Court.

Bearing in mind the facts and circumstances and also that the petitioner was not arrested at the spot and has been behind bars since the last more than 7 months and that the challan had already been presented although charges are yet to be framed, in my opinion, it is a fit case for grant of bail. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate,

Tarn Taran.

This petition stands accepted accordingly.

30.10.2018
kamal

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No