

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

**CRM No.M-43039 of 2018 (O&M)  
Date of Decision: February 25, 2019**

Gurmeet Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr.Gurinder Singh Hayer, Advocate  
for the petitioner.

Ms.Monika Jalota, DAG, Punjab  
for the respondent-State.

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**INDERJIT SINGH, J.**

Petitioner has filed this second petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.60 dated 09.05.2017 under Section 22 of the NDPS Act, registered at Police Station Sadar Muktsar, Sri Muktsar Sahib.

Notice of motion was issued. Learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

As per the FIR, police party went to the house of present petitioner, on receiving secret information that he is practising as a Doctor at his home and used to sell intoxicant tablets. As per prosecution version,

police party reached in a private car at about 8.00 a.m. along with Drug Inspector. They also joined village Sarpanch Balwinder Singh but Gurmeet Singh was not present at home. Wife of petitioner Paramjeet Kaur asked the petitioner to come present but he did not come. Then, police party waited for the petitioner who arrived at 12 noon. Then, after giving offer, search of house of the petitioner was conducted and the Investigating Officer recovered intoxicant tablets i.e. 59 strips of AL PAX each containing 10 tablets and 69 strips of XL PAM each containing 10 tablets, wrapped in plastic envelop lying in the tarpaulin covering the hay at the backside of the residential building.

At the time of arguments, learned counsel for the petitioner argued that firstly, police party was already in the house since 8.00 a.m., as per prosecution version and petitioner came to house at 12 noon. The recovery was not effected at the disclosure of the accused-petitioner. He next contended that there are other members in the house also and thus, recovery cannot be shown exclusively from the petitioner. Learned counsel for the petitioner also contended that recovery was effected from the backside of the residential house and recovery is shown to have been effected in the presence of Sarpanch but during trial, Sarpanch has already been given up. Learned counsel for the petitioner argued that false recovery has been planted upon the petitioner.

The petitioner has been in custody since 23.01.2018. He is not required for custodial interrogation as he is in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the disposal of the case.

case, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

February 25, 2019  
Vgulati

(INDERJIT SINGH)  
JUDGE

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether reportable        | No  |