

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

**CRM-M No.45911 of 2019 (O&M)
Decided on: 12.12.2019**

Charanjit Singh @ Charna

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. J.K. Singla, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.43 dated 24.03.2019, registered under Section 22 of the of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') at Police Station Dhanaula, District Barnala.

Counsel for the petitioner has argued that the FIR was registered at the instance of ASI Dharampal, on the basis of a secret information that the co-accused Ajaib Singh, Charanjit Singh @ Charna (the petitioner herein) and Charanjit Singh's wife are bringing Tramadol tablets while walking towards the village Kotduna. On the basis of the secret information, the FIR was registered and thereafter, the petitioner and Ajaib Singh were apprehended by the police from a room which was having no door. Thereafter, after giving a notice under Section 50 of the NDPS Act, both the accused were arrested in the presence of the Deputy Superintendent of Police.

Counsel for the petitioner has further argued that the recovery from both the accused was of 'CLOVIDOL-100 SR' tablets and from the recovery effected, 10 tablets each in a strip were sealed as a sample parcel and the same were sent to the Forensic Science Laboratory for its examination and as per the FSL report, 'Tramadol Hydrochloride' was found in the parcel, which was recovered from the petitioner containing 99.18 mg/tablet from Parcel No.1 and 99.23 mg/tablet from Parcel No.2 recovered from the co-accused Ajaib Singh.

Counsel for the petitioner has also submitted that the co-accused of the petitioner has been granted the concession of regular bail as the recovery from his was of non-commercial quantity and as per the prosecution version, the entire strips recovered from both the accused had the same batch number. It is further submitted that only one strip each was sent for FSL examination and the entire contraband was not sent to FSL. It is also argued that the petitioner is in custody since 24.03.2019, the investigation is complete and charges have been framed and out of 14 prosecution witnesses none has been examined so far.

Counsel for the State, on instructions from ASI Jasbir Singh, has not disputed the factual position but opposed the prayer for bail on the ground that the petitioner stands convicted in one another case.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 24.03.2019; the co-accused of the petitioner has already been granted the concession of bail; the custodial interrogation of the petitioner is no more required; the case before the trial Court is at the stage of recording the

prosecution evidence and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

12.12.2019

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(ARVIND SINGH SANGWAN)

JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No