

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

**CRM-M-805-2020**

**Date of decision-27.01.2020**

**Sohan Lal**

**....Petitioner**

**Vs.**

**State of Punjab**

**...Respondent**

**CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Barjinder Singh, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

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**MANOJ BAJAJ, J.**

Petitioner-Sohan Lal has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.30 dated 31.03.2019 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') at Police Station Khanauri, Sangrur.

As per the prosecution case, on 31.03.2019, when the Police party was on patrol duty, a secret information was received that Sohan Lal (petitioner) being engaged in work of selling drugs and for the said purpose, he would bring drugs from State of Haryana through Patadi of Bhakhara river on his motorcycle. Acting upon the same, barricading was done and after search, 990 tablets (containing tramadol hydrochloride) were recovered from the possession of the petitioner.

Learned counsel for the petitioner contends that the FIR in question was registered on the information allegedly received by Police Officer, namely, ASI Kewal Krishan. He submits that though the recovered

contraband falls in commercial quantity, but at the same time, in view of the misconduct of the said officer, the prosecution case lies under a cloud. Learned counsel has invited the attention of the Court to the judgment dated 12.09.2016 (Annexure P-3) whereby upon conclusion of trial in FIR No.135 dated 08.09.2019 under Sections 166, 167, 177, 193, 195 and 211 IPC and Section 58 of NDPS Act, while acquitting the accused, a direction was issued for registration of case against the said officer ASI Kewal Krishan for falsely indicting the accused. Learned counsel has pointed out that the compliance of the said judgment was made with reluctance, as the FIR No.135 dated 08.09.2019 under Sections 166, 167, 177, 193, 195 and 211 IPC and Section 58 of NDPS Act at Police Station City-I, Malerkotla was lodged against him after a gap of four years.

He submits that the investigation of the case is complete and after framing of charges on 08.10.2019, trial has commenced, however, no witness has been examined so far.

On the other hand, learned State counsel assisted by ASI Tarsem Lal has opposed the prayer on the ground that the observation made in the judgment dated 12.09.2016 cannot be stretched to doubt the present FIR. He submits that the recovered contraband falls within the ambit of commercial quantity, therefore, petitioner does not deserve the concession of regular bail.

After hearing learned counsel for the parties, this Court is of the opinion that trial is likely to consume considerable time, therefore, no useful purpose would be served by keeping the petitioner behind the bars, who is

not involved in any other case, muchless of similar nature. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)  
JUDGE

27.01.2020  
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|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable :        | Yes | No |