

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

CRM-M-1494-2020

Date of decision-20.01.2020

Rashpal Singh @ Taini

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sahil Thakur, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

MANOJ BAJAJ, J.

Petitioner-Rashpal Singh @ Taini has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.101 dated 21.09.2019 under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Division No.1, District Jalandhar, Punjab. Petitioner is in custody since his arrest on 23.09.2019.

As per the prosecution case, when the Police party was on patrol duty at Nandanpur Road Maksoodan, Jalandhar, one person, carrying black coloured polythene bag, was seen coming out of street of Jawala Nagar Maqsudan. On seeing the police, he tried to run away. On suspicion, he was apprehended. Upon search, 140 injections 2 ml each of Rexogesic, 380 tablets of Tramadol and 15 injections of 10 ml each of Avil were recovered from the polythene, he was carrying.

Learned counsel for the petitioner placed reliance upon the

guidelines issued by Division Bench of this Court in CRM No. M-13140 of 2012 titled as “***Inderjeet Singh @ Laddi and others Vs. State of Punjab***”, to contend that the substance allegedly recovered from the petitioner, does not come within the purview of NDPS Act. The FSL report is yet to be received, therefore, petitioner deserves the concession of interim bail till receipt of the FSL report.

On the other hand, learned State counsel assisted by HC Rajwinder Singh has opposed the bail application on the ground that huge quantity of contraband is recovered from the petitioner's possession, therefore, the petitioner does not deserve the concession of regular bail.

There is no dispute regarding the law laid down in Inderjeet Singh's case (supra), however, considering the nature of contraband recovered from the petitioner and the fact that FSL report is still awaited, no case is made out for grant of regular bail to the petitioner at this stage.

Consequently, petition is dismissed.

20.01.2020

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(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No