

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-2576-2020 (O&M)

Date of Decision:- 10.6.2020

Harwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Raj Kumar Gupta, Advocate, for the petitioner.

Mr. H.S.Sullar, DAG, Punjab.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J.

1. The petitioner has filed this petition seeking grant of regular bail in a case registered against him vide FIR No.63, dated 19.8.2019, under Section 22 of NDPS Act, Police Station Mulepur, District Fatehgarh Sahib.
2. The case of the prosecution is that on 19.8.2019 when a police party was present at T-point Panjola, Police Station Mulepur, then a secret information was received to the effect that petitioner Harwinder Singh deals in sale of intoxicant tablets and was coming from

Basantpur along with intoxicant tablets. Pursuant to receipt of the said information barricading was held and the petitioner was apprehended while carrying 4000 tablets of 'Microlit' tablets containing Diphenoxylate Hydrochloride.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that falsity of the case would be evident that while the recovery is stated to have been effected at 4.45 PM, the petitioner had been taken away from his office by the police at 9.50 AM as would be evident from the register maintained in his office, an extract of which is annexed as Annexure P-1. Learned counsel has further submitted that the recovered tablets, in any case, would not fall within the ambit of Section 22 NDPS Act and as such the petitioner deserves the concession of bail.
4. Opposing the petition, learned State counsel has submitted that keeping in view the fact that huge quantity of contraband has been recovered from the petitioner, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court and have also perused the extract of the register maintained in the office of the petitioner i.e. the Office of PGPCL, Sirhind Road, Phagam Majra, Patiala. A perusal of entry at Sr. No.5 of the said register (Annexure P-1) would show that Hawaldar Rashpal Singh visited the said office in car bearing registration No.DL-8CNA-2996 along with two other persons and had entered the said office at 9.35 AM and had left from the said office by 9.50 AM. There is no mention in the said register that when said Rashpal Singh left the said office he was

accompanied by petitioner Harwinder Singh. Although the learned counsel for the petitioner has also drawn the attention of this Court to the statement of Rajinder Singh Johal, Manager, Power Grid Corporation and Manjit Kaur, Chief Manager, PGCO India, Sub Station Sirhind Road, Phagan Majra, Patiala (Annexure P-2 and Annexure P-3 respectively) which were recorded during the course of preliminary evidence in a complaint titled 'Harinder Singh Vs. Rachpal Singh' but at this stage it may not be appropriate to rely upon the same so as to discard the case of the prosecution or to render the same doubtful especially when the said witnesses have not been even cross-examined.

6. Keeping in view the fact that it is a case of recovery of 'Microlit' tablets the contents of which are 'Diphenoxylate Hydrochloride' and that the recovered quantity would fall within the category of 'commercial quantity', the fetters imposed by Section 37 of NDPS Act would be attracted. Since there is nothing at this stage to show that the petitioner is innocent or that in case if he is released on bail would not commit any offence, this Court does not find any case for grant of regular bail.
7. The petition is sans any merit and is dismissed.

June 10, 2020

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No