

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2932-2020 (O&M)
Date of decision: 30.01.2020

Paramjit Singh @ Pamma

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. L.S. Sekhon, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.50 dated 30.03.2019 under Section 22 of NDPS Act, registered at Police Station Sadar Nabha, District Patiala.

Learned counsel for the petitioner submits that as per allegations in the FIR, when ASI Krishan Lal along with other police officials, while on patrol duty, was passing outside the house of petitioner Paramjit Singh @ Pamma, noticed that in a vacant plot, adjoining house of the petitioner, a motorcycle is parked and Gogi Kaur wife of the petitioner was handing over the boxes to the petitioner and Raju, son of the petitioner, who were concealing the same in a pit dug in the open land. When ASI Krishan Lal along with other police officials tried to nab the accused persons, all of them ran away. Thereafter, total 6000

tablets of tramadol were recovered.

Learned counsel for the petitioner further submits that the petitioner is not involved in any other case and it is highly improbable that the police party could not apprehend either the petitioner or his wife Gogi Kaur and his son Raju. It is further submitted that son of the petitioner Raju has already been granted the concession of anticipatory bail vide order dated 29.05.2019 passed in CRM-M-24241-2019 and wife of the petitioner Gogi Kaur has been granted the concession of regular bail vide order dated 10.01.2020 passed in CRM-M-55233-2019. It is also submitted that the petitioner is first offender; he is in custody since 17.09.2019; he was not arrested at the spot; no recovery was effected from him and considering the fact that it is own case of the prosecution that recovery was effected from a vacant plot, it will be a debatable issue during the course of trial whether the petitioner or other accused persons were ever found in conscious possession of the contraband recovered by the police.

Learned counsel for the petitioner has relied upon a judgment dated 29.01.2020 passed in **SLP (Crl.) Nos.7281-7282 of 2017 (Sushila Aggarwal and others Vs. State (NCT of Delhi) and another)**, wherein the Hon'ble Supreme Court has held that if there is a reasonable possibility that an accused may be acquitted, he can be granted the concession of bail.

Learned State counsel, on the basis of custody certificate dated 30.01.2020 filed in the Court today and on instructions from ASI Krishan Lal, has not disputed that co-accused have already been granted and the petitioner is not involved in any other case.

Without commenting anything on merits of the case, considering the aforesaid submissions made by learned counsel for the parties and in view

of judgment of the Hon'ble Supreme Court in **Sushila Aggarwal's** case (supra), this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[**ARVIND SINGH SANGWAN**]
JUDGE

30.01.2020
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No