

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

**CRM-M No.4267 of 2020
Date of decision: 06.02.2020**

Sahil Kumar @ Gaurav Kumar @ Gora

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Amaninder Preet, 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 in FIR No.137 dated 25.09.2019 registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') at Police Station City Jalalabad, District Fazilka.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of ASI Ramesh Kumar, when he along with other police officials, were checking the vehicle at a barrier and one motorcycle driven by a person carrying some black colour envelope on the tank of the motorcycle was seen. On seeing the police party, he became perplexed and tried to turn his motorcycle and due to opening of the mouth of the envelope, some tablets fell down on the ground. Thereafter, the Investigating Officer and his fellow police officials caught hold of him and thereafter, he disclosed his name as Chhinder Singh and on checking the strips, it was found to be Tramadol Hydrochloride. On enquiry, he had told that he had purchased the same

from one Avneesh Kumar and thereafter, Chhinder Singh was arrested and the FIR was registered against him as well as Avneesh Kumar. It is further stated that, later on, Avneesh Kumar was arrested on 26.09.2019 and he informed that he has procured the tablets from one Sachin. Thereafter, Sachin was arrested and he has made a disclosure statement that he has procured the same from one Sahil Kumar i.e. the present petitioner. When the petitioner was arrested, he informed that the same were purchased from Shakti Medical Store, Kapurthala.

Counsel for the petitioner has further argued that the petitioner is not involved in any other case and even after his arrest and on recording the disclosure statement, no further recovery was effected from him. Counsel for the petitioner has, thus, argued that it will be a debatable issue to be decided during the course of trial whether the petitioner was found to be in conscious possession of the tablets recovered from the co-accused Chhinder Singh, who was arrested at the spot.

Counsel for the State has filed the Custody Certificate today in the Court and on instructions from HC Harpal Singh, submits the petitioner is not involved in any other case as per the Custody Certificate.

Counsel for the State has also not disputed the sequence of the disclosure statements made by the co-accused, which led to arrest of one after the other and further, could not dispute the fact that after the arrest of the petitioner, no recovery was effected from him.

Without commenting anything on merits of the case, considering the fact that the petitioner is not involved in any other case; he was not arrested from the spot and conclusion of the trial will take

some time, 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.

(ARVIND SINGH SANGWAN)
JUDGE

06.02.2020
yakub

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