

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

CRM-M-4571-2020 (O&M)

Date of Decision:- 10.6.2020

Jaspal Singh

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Amandeep Singh Samra, 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)*

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**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.206, dated 21.9.2019, Police Station City Sunam, District Sangrur, under Section 22 of NDPS Act (Section 31, 61, 85 NDPS Act, Section 192, 207 of Motor Vehicle Act and Section 177 of IPC added later on).
2. The case of prosecution is that a secret information was received by the police to the effect that Jaspal Singh (petitioner) and Deepak Kumar indulged in sale of intoxicant tablets and that on 21.9.2019 they were proceedings from Sunam to Khadial Road for sale of

intoxicant tablets. Pursuant to receipt of said information barricading was held by the police and the petitioner Jaspal Singh as well as co-accused Deepak Kumar were apprehended while they were coming on a motorcycle and were found in possession of 10,000 tablets of 'Tramadol Hydrochloride' which was being carried in a bag kept in between the petitioner Jaspal Singh who was driving the motorcycle and Deepak Kumar who was sitting on the pillion seat. The said recovery, as per prosecution case was effected at 4.30 pm.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that this Court while granting bail to co-accused Deepak Kumar had noticed the facts which pointed towards the false implication of the accused and had granted bail vide order dated 8.1.2020 (Annexure P-3).
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and huge quantity of contraband i.e. 10,000 tablets of 'Tramadol Hydrochloride' were recovered from the petitioner as well as the co-accused, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court and have also perused order dated 8.1.2020 (Annexure P-3) passed in the case of co-accused vide vide which co-accused Deepak Kumar has been granted bail. The relevant extract from the said order reads as follows:

“3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and

infact he was picked up from his shop in the morning at about 8:30 AM as would be evident from the CCTV footage recorded in the CCTV cameras installed at the shop of the petitioner. The learned counsel for the petitioner has drawn the attention of this Court to the photographs Annexure P-5 (colly) annexed with the petition and has submitted that the entire CCTV footage has been recorded in the CD Annexure P-4 annexed with the petition. The learned counsel has further submitted that the car in question in which police officials had come i.e. car bearing registration No.PB-13-AJ-4442 which is also shown in the CCTV footage is registered in the name of Jagtar Singh, who is a police official and that the said factum is not disputed by the police as would be evident from the reply filed by the State in another petition i.e. CRM-M-46178 of 2019.

4. Opposing the petition, the learned State counsel has submitted that the police official, who had visited the shop of the petitioner in the morning, were from Narcotic Cell and that they had questioned the petitioner and had let him off in the morning but it was subsequently in the evening that the petitioner was arrested at a different place and was found in possession of the contraband.
5. I have considered rival submissions addressed before this Court. 6. A perusal of the photographs Annexure P-5 would show that the petitioner was being forced into car bearing registration No.PB-13- J-4442, which is stated to be belonging to the police official, whereas the present FIR came to be lodged in the evening on the same day. It will certainly be debatable as to whether the petitioner was picked from his shop in the morning or as to whether he was arrested later in the day from a different place while in possession of the contraband.....”

7. A perusal of the aforesaid order would show that the co-accused had *prima facie* been able to cause a dent in the case of the prosecution

for the purpose of grant of bail leading to acceptance of his application. In these circumstances when the veracity of the case of the prosecution qua the co-accused has been held to be debatable, the petitioner is also entitled to benefit of the same on the grounds of parity. The petition, as such merits acceptance and is hereby accepted particularly keeping in view the fact that the petitioner has been behind bars since the last about 8 months and is not stated to be involved in any other case. The petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

**June 10, 2020**

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**(GURVINDER SINGH GILL)**  
**JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No