

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

CRM-M-5751-2020 (O&M)

Date of Decision:- 25.11.2020

Rajpal

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Amandeep Gill, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.81 dated 18.4.2019 under Sections 22/25/61 of NDPS Act at Police Station City Sangrur, District Sangrur.
2. It is the case of prosecution that pursuant to receipt of secret information to the effect that two persons namely Ravi Kumar and Rajpal indulged in sale of intoxicants and that they would be coming on a motorcycle bearing Regn. No. PB-13AY-6175, barricading was held by the police and the aforesaid two persons were apprehended while they were riding a motorcycle and from whose possession 150 bottles and 146 bottles i.e. a total of 296 bottles of *Chlorpheniramine Maleate* and *Codeine Phosphate*

Syrup were recovered. The said bags were lying in between the two riders of the motorcycle.

3. The learned counsel for the petitioner has submitted that it is a case where the petitioner has been falsely implicated and that in any case, the petitioner who has been behind bars since the last about 1-1/2 years deserves the concession of bail on grounds of parity, since the co-accused Ravi, who was driving the motorcycle, has since been granted bail by a Co-ordinate Bench of this Court, particularly noticing that the Investigating Officer was tainted and was involved in several cases of false implication. The learned counsel has further submitted that in the said case of co-accused Ravi Kumar i.e. CRM-M-27151 of 2019, the State has filed an affidavit of Shri Sandeep Kumar Garg, SSP, District Sangrur wherein it has been noticed that the Investigating Officer i.e. ASI Kewal Krishan was involved in three FIRs i.e. FIR No.138 dated 19.8.2015, P.S. Sadar Dhuri, FIR No. 167 dated 16.7.2007, P.S. City Sangrur and FIR No. 17 dated 9.4.2006, P.S. Mehal Kalan, District Barnala.
4. Opposing the petition, the learned State counsel has submitted that since it is a case of recovery of '*commercial*' quantity, no case for grant of bail is made out. The learned State counsel has, however, not disputed the fact that the petitioner has been behind bars since the last about 1 year and 7 months and till date only 2 out of cited 20 prosecution witnesses have been examined.
5. Having regard to the aforestated facts and circumstances and that while noticing that the Investigating Officer himself is involved in some other cases and in order to maintain parity as co-accused has been granted bail, the petition is accepted and 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.

25.11.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No