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

**CRM-M No.7854 of 2020(O&M)
Date of Decision: 21.07.2020**

**Pal Singh
Vs**

.....Petitioner

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. J.S. Sandhu, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.223 dated 17.12.2019 registered under Section 22 of NDPS Act at Police Station Sadar District Bathinda.

The FIR was registered on the information of Constable Jaskaur Singh who stated that he was on patrolling with other companions. One chowkidar namely Laxman Singh was joined in the police party. During patrolling, one clean shaved person holding a bag in his hand got perplexed on seeing the police party. When he started turning back, the police stopped him on

the basis of suspicion. The strips of intoxicant tablets were seen in the transparent plastic bag. Since the police official was a local rank, therefore, he gave information to Investigating Officer and the petitioner was apprehended.

Learned counsel for the petitioner submitted that joining of alleged independent witness even before apprehending the accused and the factum of contraband present in transparent bag without wrapping the same in some opaque wrapper would make the case debatable and suspicious. Learned counsel placed reliance upon CRM-M No.4584 of 2020 titled **Binder Kaur @ Goga Vs. State of Punjab** decided on 06.02.2020 and CRM-M No.8035 of 2019 titled Mandir Singh Vs. State of Punjab decided on 28.02.2020 and contended that the petitioner has no antecedent behaviour of any criminal activity and was not involved even in a single case other than the present one. The presence of contraband in a transparent bag would remain debatable because in any case, a person in the trade of contraband would not carry such a contraband in a transparent bag, so as to expose the same in public domain.

On the other hand, learned State counsel on instructions from ASI Nachattar Singh stated that the contraband recovered from the petitioner is commercial in nature. Petitioner is in custody since 17.12.2019. FSL report has

been received in which 'Tramadol Hydrochloride' is found in the tablets of Clovidol with average weight of around 400 mg. Challan has been presented, but charges have not been framed.

In view of pandemic Covid-19, the trial of the case may take some time in its culmination.

Keeping in view the overall facts and circumstances of the case and without meaning anything on merits of the case, I deem it appropriate to enlarge the petitioner on regular bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

21.07.2020

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No