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

**CRM-M No.13822 of 2020
Date of Decision: 05.08.2020**

RAM KRISHAN @ RAVI

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

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

Present: Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Rana Harjasdeep, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.20 dated 01.03.2019, registered under Section 22 of the NDPS Act at Police Station Chhajli, District Sangrur.

Learned counsel for the petitioner submitted two fold submissions. Firstly as per recovery memo, FIR number is appearing which shows that recovery was not effected at the place as disclosed in the FIR, rather the same was prepared at

a convenient place and time subsequently. There was no occasion for the police to mention FIR number at the top of recovery memo as at that time there was no FIR in existence.

Secondly, learned counsel submitted that the alleged recovery has been effected from a transparent polythene bag, when the police lifted the transparent bag from the ground, from where Tramadol Hydrochloride tablets i.e. 110 strips were recovered. All the strips were containing 10 tablets of 100 mg each.

Learned counsel by relying upon **CRM-M No.4584 of 2020** titled '**Binder Kaur @ Goga vs. State of Punjab**' decided on 06.02.2020 further submitted that the persons in trade of contraband would not do the trading in a transparent bag. Petitioner is not involved in any other case, therefore this fact itself would mitigate as against the complicity of the petitioner. Since the petitioner is not involved in any other case and having no antecedent behaviour of criminal activity, therefore, rigour of Section 37 of the NDPS Act *prima facie* would not apply.

In view of reply filed way of affidavit of Sukhninder Singh, PPS, Deputy Superintendent of Police, Sub Division, Dirba on behalf of respondent/State challan has been presented on 24.07.2019. Charges have been framed on 06.08.2019. Out

of total 17 prosecution witnesses, one PW has been examined. Now due to the situation arising out of pandemic COVID-19 the trial has become stand still.

In view of aforesaid facts and situation and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

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

(RAJ MOHAN SINGH)
JUDGE

August 05, 2020

Atik

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No