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

CRM-M No. 20019 of 2020
Date of Decision: 10.08.2020

Gurwinder Singh @ Binder Singh

-Petitioner

Vs

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. K.S. Brar, Advocate,
for the petitioner.

Mr. Hittan Nehra, Addl. 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.0223 dated 17.12.2019 under Sections 22 and 29 of NDPS Act registered at Police Station Sadar Bathinda, District Bathinda.

The case was registered against one Pal Singh. Petitioner has been nominated on the basis of disclosure statement of aforesaid Pal Singh.

Pal Singh has been granted regular bail by this Court in CRM-M No.7854 of 2020 vide order dated 21.07.2020.

FIR was registered on the basis of information furnished by 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 apprehended him on 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 the Investigating Officer. In this way, Pal Singh was apprehended.

Learned counsel for the petitioner further submitted that while considering the prayer for regular bail in case of Pal Singh, this Court has considered the factum of contraband present in transparent bag without wrapping the same in some opaque wrapper and that would make the case debatable on the strength of case law titled **Binder Kaur @ Goga vs State of Punjab in CRM-M No.4584 of 2020**, decided on 06.02.2020 and **CRM-M No.8035 of 2019 titled 'Mandir Singh vs State of Punjab'**, decided on 28.02.2020. He further submits that the petitioner is not having any background of criminal activity.

Presence of contraband in a transparent bag would remain debatable because in case of 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.

Factum of granting bail to the co-accused Pal Singh is not in dispute.

Learned State counsel on instructions submits that 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 already been presented, but charges have not been framed.

Petitioner is in custody since 22.06.2020.

Keeping in view the aforesaid facts and circumstances of the case and without meaning anything on the merits of the case, petitioner is directed to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

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

10.08.2020
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No