

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

**Criminal Misc. No.M-21405 of 2020
Date of Decision: 13.08.2020**

Manjit Singh @ Deesa

...Petitioner (s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. B.S. Jatana, Advocate
for the petitioner.

Mr. J.P. Ratra, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.376 dated 07.11.2019 under Sections 22 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “the NDPS Act”) registered at Police Station Sadar Mansa, District Mansa.

It is the case of the prosecution that the petitioner was apprehended on 07.11.2019 for alleged recovery of 2300 tablets of Tredol-100, in the shapes of 230 strips of 10 tablets each. As per the chemical examination report, these tablets contained Tramadol Hydrochloride and

the total weight of these tablets was 1972.52 grams, which falls in Commercial Category.

Learned counsel for the petitioner has argued that in fact, this case has been planted against the petitioner, as his wife namely Shinder Kaur had contested elections for the post of Sarpanch in the village against Pushwinder Kaur wife of independent witness Gurjant Singh. In the said election, though Pushwinder Kaur won, but her husband Gurjant Singh nursed a grudge against the petitioner and thus, he has got a case planted against the petitioner and he also got himself associated in the case, as independent witness. There is no other case pending against the petitioner. The petitioner is in custody since 07.11.2019.

Learned State counsel does not dispute the custody of the petitioner as well as the recovery so made from him. He has submitted that provisions of Section 50 of the NDPS Act have been fully complied with and Gurjant Singh was associated in the case during search. There is no illegality while associating Gurjant Singh, as independent witness.

I have heard learned counsel for the parties.

The presence of Gurjant Singh, the independent witness, is certainly very relevant consideration in the case, as his wife had contested elections against the wife of the petitioner and they were inimical to each other, cannot lightly be brushed aside. The trial Court has yet to form an opinion, of course on the basis of relevant evidence, as to whether Gurjant Singh, independent witness was introduced by the police or he was co-incidentally present at the time of recovery. Considering the fact that culpability of the petitioner will be established during trial and there is no

other case pending against him, this Court deems it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

August 13, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No