

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

CRM M-22634 of 2020 (O&M)

Date of Decision: August 27, 2020

Paramjit Singh @ Pamma	Petitioner
Versus	
State of Punjab	 Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Joban Singh, Advocate
for the petitioner.

Mr. J.S. Ghumman, DAG, Punjab.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner Paramjit Singh @ Pamma who is in custody has come up before this Court in this first regular bail application moved under Section 439 Cr.P.C. in FIR No. 182 dated 13.07.2019 registered under Sections 22 and 29 of NDPS Act, 1985 registered at Police Station Jandiala, District Amritsar

Rural.

The brief allegations against the petitioner are that on receipt of secret information that petitioner Paramjit Singh runs a medical store and alongwith his nephew co-accused non-applicant Jaspal Singh @ Jassa used to supply intoxicant tablets/pills/contrabands to people which they have stored in their house and on the basis of this a raid was conducted and the co-accused non-applicant Jaspal Singh @ Jassa managed to escape and the petitioner was apprehended and upon the search of the house 21000 capsules of intoxicants were got recovered.

Mr. Joban Singh, learned counsel for the petitioner *inter alia* argues that there is no compliance of mandatory provisions of Section 100 Cr.P.C. being a house search and has placed on record Panchyatnama Annexure P-3 of the people who were present at the time of alleged recovery vouching that no recovery was effected from the petitioner. The counsel has laid much stress on the fact that the police officer who is alleged to have made the recovery cannot be the Investigating Officer and that the petitioner is behind the bars for more than 01 year and 01 month.

Mr. J.S. Ghumman, DAG, Punjab learned State counsel does not displace the facts brought to the notice of the Court but has opposed the bail on the grounds that commercial quantity of the contraband has been recovered from the

petitioner which disentitles the petitioner to any relief.

Going through the submissions, allegedly, recovery is effected from the joint house owned by the family and, thus, the element of conscious possession and animus is debatable issue which can only be adjudicated at the time of the trial as the co-accused Jaspal Singh @ Jassa has managed to escape which rather reflects needle of suspicion towards him. Moreover, keeping in view the period of detention and the prevalent COVID-19 pandemic which impels this Court to hold that trial is not likely to be accomplished in near future and allow the bail application. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned

However, it is made clear that anything observed herein shall not be construed as an expression of opinion on the merits of the case.

Disposed off accordingly.

August 27, 2020

amit rana

(FATEH DEEP SINGH)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No