

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

103

**CRM-M No. 24634 of 2020
Date of decision:8.10.2020**

SATVEER SINGH @ RAVI

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

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

Present: Mr.Satnam Singh Gill, Advocate
for the petitioner.

Mr.Harbir Sandhu, Addl.A.G.Punjab.

RAJ MOHAN SINGH, J.(Oral)

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

Petitioner in his second attempt seeks grant of regular bail in case bearing FIR No.375 dated 26.12.2019 registered under Section 22 of the NDPS Act at Police Station Bhawanigarh District Sangrur.

First petition bearing CRM-M No. 10548 of 2020 was filed by the petitioner for interim bail till receipt of FSL report. On receipt of FSL report, that petition was got dismissed as withdrawn with liberty to file fresh petition for grant of regular bail in accordance with law. That is how, the present petition came to be filed.

Vide order dated 29.9.2020, the case was adjourned at the instance of learned State counsel in order to enable him to furnish information as to why numbers of tablets were not shown in the FIR.

In compliance of the aforesaid order, learned State counsel informs the Court that first Investigating Officer just informed the second Investigating Officer in respect of presence of contraband in the vehicle. The second Investigating Officer after reaching the spot recovered the contraband from a transparent polythene bag from which intoxicant tablets were clearly visible. On a pointed question, learned State counsel with reference to recovery memo, submits that FIR number is present at the top of recovery memo. The presence of FIR number on the recovery memo even prior to registration of case and presence of alleged contraband in a transparent bag would make the case debatable.

Learned counsel for the petitioner placed reliance upon **CRM-M No. 4584 of 2020** titled **Binder Kaur @ Goga vs. State of Punjab** decided on 6.2.2020 and **CRM-M No. 8035 of 2019** titled **Mandir Singh vs. State of Punjab** decided on 28.2.2020 and contended that the Petitioner is not involved in any other NDPS case except a jail offence arising out of FIR No.113 dated 1.7.2020 under Section 52-A of the Prisons Act. 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.

Petitioner is in custody since 26.12.2019. Challan has already been presented, but charges have not been framed so far.

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

Keeping in view the facts and circumstances of the case and without meaning anything on merits of the case, this petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

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

October 08 , 2020

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Whether reasoned/speaking

Whether reportable

(RAJ MOHAN SINGH)

JUDGE

Yes/No

Yes/No