

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42370-2019 (O&M)
Date of Decision: 17.09.2020

TARSEM LAL

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.P.K.S.Phoolka, Advocate
for the petitioner.

Mr. R.P.Singh, DAG, 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. 0020 dated 01.03.2019, registered under Section 22 of the NDPS Act, 1985 at Police Station Chhajali, District Sangrur.

FIR was registered against the petitioner and one Ram Kishan @ Ravi. Ram Kishan @ Ravi has already been granted regular bail vide order dated 05.08.2020 in CRM-M-13822-2020.

Learned State counsel on instructions, admitted the aforesaid fact of granting regular bail to Ram Kishan @ Ravi after considering the twin arguments raised by the learned counsel of the co-accused in the above said case.

Learned counsel for the petitioner has also raised the same pleas. Firstly, as per recovery memo, FIR number is appearing which shows that the 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. This ground has been discussed in the order dated 05.08.2020 passed in **CRM-M-13822 of 2020** on the basis of ***Binder Kaur @ Goga Versus State of Punjab*** decided on 06.02.2020.

In the light of aforesaid facts, the petitioner needs to be treated on parity.

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

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

17.09.2020
shabha

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No