

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-50079-2019 (O&M)
Date of Decision:-8.1.2020

Deepak Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ishan Gupta, Advocate for the petitioner.

Mr. Saurav Khurana, Deputy Advocate General, Punjab,
assisted by SI Karam Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.206 dated 21.9.2019 at Police Station City Sunam, District Sangrur under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 wherein offence under Section 177 Indian Penal Code and Sections 192 and 207 of Motor Vehicle Act were added later on.
2. The allegations, in nutshell as per FIR, are that on 21.9.2019 upon receipt of secret information at about 3:45 PM to the effect that the petitioner Deepak Kumar and Jaspal Singh indulged in sale of intoxicating tablets and that on the said day also they were proceeding from Sunam to Khadial road for sale of intoxicating tablets, barricades were laid by the police and the petitioner as

well as Jaspal Singh were apprehended while they were going on a motorcycle. It is alleged that search of the petitioner yielded recovery of 10,000 tablets of 'tramadol hydrochloride' from a bag which was kept in between Jaspal Singh, who was driving the motorcycle and the petitioner Deepak Kumar, who was sitting on the pillion seat. The said recovery is stated to have been effected after about 4:30 PM.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and infact he was picked up from his shop in the morning at about 8:30 AM as would be evident from the CCTV footage recorded in the CCTV cameras installed at the shop of the petitioner. The learned counsel for the petitioner has drawn the attention of this Court to the photographs Annexure P-5 (colly) annexed with the petition and has submitted that the entire CCTV footage has been recorded in the CD Annexure P-4 annexed with the petition. The learned counsel has further submitted that the car in question in which police officials had come i.e. car bearing registration No.PB-13-AJ-4442 which is also shown in the CCTV footage is registered in the name of Jagtar Singh, who is a police official and that the said factum is not disputed by the police as would be evident from the reply filed by the State in another petition i.e. CRM-M-46178 of 2019.
4. Opposing the petition, the learned State counsel has submitted that the police official, who had visited the shop of the petitioner in the morning, were from Narcotic Cell and that they had questioned the petitioner and had let him off in the morning but it was subsequently in the evening that the petitioner was arrested at a different place and was found in possession of the contraband.
5. I have considered rival submissions addressed before this Court.

6. A perusal of the photographs Annexure P-5 would show that the petitioner was being forced into car bearing registration No.PB-13-AJ-4442, which is stated to be belonging to the police official, whereas the present FIR came to be lodged in the evening on the same day. It will certainly be debatable as to whether the petitioner was picked from his shop in the morning or as to whether he was arrested later in the day from a different place while in possession of the contraband. In any case, since the petitioner has been behind bars since the last more than three months and challan already stands presented, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to take some time.
7. The petition, as such, is accepted and it is ordered that the petitioner be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. It is, however, made clear that none of the observations made above shall be construed to be an expression on merits of the main case.

8.1.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No