

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-668 of 2021

Date of Decision: 17.02.2021

Parminder Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

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

Present:- Mr. Roopak Bansal, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.0097 dated 05.11.2020 under Section 22 NDPS Act registered at Police Station Behram, District SBS Nagar.

As per the FIR, on 05.11.2020, a person was coming on a scooty and a lady was sitting pillion. He was driving the vehicle very fast. When he was signaled to stop, he took his scooty to the fields, where the police caught hold of them. They disclosed their names as Ravi Kumar and Jasjot Kaur. On a search being conducted, 425 injections of Buprunorphine weighing 2/2 ML each and 425 injections of avil without any batch number were recovered from the bag being carried by accused Ravi Kumar,

whereas on search of the kit held by Jasjot Kaur, 750 medicine leafs

intoxicating tablets of Tramadol Hydrochloride with 10 tablets each, totalling 7500 tablets were recovered from her without any license/permit. During investigation, the name of the petitioner was surfaced as the person to whom the contraband was to be supplied.

Learned counsel for the petitioner has argued that name of the petitioner was not found mentioned in the FIR and it is on the basis of disclosure statement of accused Jasjot Kaur, the name of the petitioner has been roped in the case. The petitioner is in custody since 06.11.2020 and there is no other case pending against him except one case of NDPS Act, wherein he is on bail.

Learned State counsel does not dispute the custody of the petitioner and the fact that it is on the basis of disclosure statement of Jasjot Kaur, the name of the petitioner has surfaced. However, he has submitted that the recovered contraband was to be delivered to the petitioner and in this manner, he has rightly been booked in the case.

I have heard learned counsel for the parties.

Admittedly, the petitioner is in custody since 06.11.2020 and there is no other case pending against him under NDPS Act except one, in which he is already on bail. The name of the petitioner has surfaced on the basis of disclosure statement of Jasjot Kaur. Considering the fact that neither the alleged recovery has been effected from the petitioner nor the same has been supplied by him coupled with the fact that trial in the case is not likely to be concluded in near future, this Court deems it appropriate to admit the petitioner on regular bail, as ultimately, the fate of the petitioner shall be determined by outcome of the trial and decision of the trial Court.

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.

February 17, 2021
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No