

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

CRM-M-2347-2021 (O&M)
Date of Decision:-1.4.2021

Veer Singh @ Amandeep Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Raj Kumar Gupta, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Gurdev Singh.

(proceedings conducted through video conferencing)

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.21 dated 30.1.2020 at Police Station Sadar Jagraon, District Ludhiana under Sections 22, 25 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The FIR was lodged on the basis of secret information received by the police to the effect that Gagandeep Singh @ Gagga and Bahadar Singh indulged in sale of intoxicant tablets and that on the given date they were coming on their motorcycle for supplying intoxicant tablets to their customers. Pursuant

to receipt of said information, barricading was laid and Gagandeep Singh @ Gagga and Bahadar Singh were intercepted while they were coming on a motorcycle and 900 intoxicants tablets were recovered, which were found to be containing 'Tramadol'. It is further the case of prosecution that during the course of interrogation of the aforesaid two Gagandeep Singh @ Gagga and Bahadar Singh, they disclosed the names of Jasvir Singh and Veer Singh @ Amandeep Singh (petitioner) to be the persons, who had supplied the said intoxicants to them. Further, upon receipt of said information the police was able to nab the aforesaid Jasvir Singh as well as the petitioner Veer Singh @ Amandeep Singh while they were coming on a scooter, which was being driven by co-accused Jasvir Singh. The search of the scooter led to recovery of 3700 intoxicant tablets including 2900 tablets of 'Tramadol' and 800 tablets of 'Alprazolam'

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case on the basis of a disclosure statement made by co-accused and that, in any case, the petitioner cannot be attributed conscious possession of the alleged recovery since the same was made from dicky of the scooter, which was being driven by co-accused Jasvir Singh, who had domain over the scooter as the scooter belongs to his cousin Kamaljit Kaur, from whom he had taken the same.
4. Opposing the petition, learned State counsel has submitted that although the petitioner came to be involved on the basis of disclosure statement but since the recovery of contraband was also effected when the petitioner was apprehended, therefore, he cannot plead innocence and that his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year and 2

months and charges are yet to be framed. It has further been informed that the petitioner happens to be involved in two other cases registered under NDPS Act.

5. I have considered rival submissions addressed before this Court.
6. Though the facts do suggest that the petitioner and the co-accused Jasvir Singh were apprehended together while they were going on a scooter and that the contraband was recovered from the dicky of the scooter, but the learned State counsel has not disputed the fact that it is the cousin of co-accused Jasvir Singh, who is the registered owner of the scooter and that co-accused Jasvir Singh had taken the said scooter from his cousin Kamaljit Kaur. In these circumstances, when it is co-accused Jasvir Singh, who was having domain over the scooter and was driving the same, it will certainly be debatable as to whether the petitioner, who was sitting on the pillion seat, can be attributed conscious possession of the contraband recovered from dicky of the scooter. In any case, since the petitioner has been behind bars since the last about 1 year and 2 months and trial is yet to commence inasmuch as even charges have not been framed, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to 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.

1.4.2021

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No