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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.14523 of 2021 (O&M)
Decided on: 30.09.2021

Rupinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. G.S. Sirphikhi, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.170 dated 04.12.2020, for offence punishable under Sections 22/25/29 of the Narcotic Drugs and Psychotropic Substances Act (in short 'the NDPS Act') registered at Police Station City Khanna, Police District Khanna.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of SI Gurpartap Singh, it is stated that while on patrol duty, one Maruti Eco white colour was seen coming from the Gobindgarh side and was stopped for routine checking. The driver of the vehicle told his name as Harjit Singh, the person sitting on the co-driver seat told his name as Guprinder Singh @ Manu and the person sitting on the back seat of the car told his name as Rupinder Singh i.e. the petitioner. On search of the dashboard of the

vehicle, 36 bottles of Pheniranine Maleate Injection I.P. Avil 10 ml each and 37 injections of Buprenorphine Injection I.P. Rexogensic 2 ml each were recovered. Under the driver seat, 16 strips of CLOVIDOL 100-SR each strip containing 10 tablets, total 160 tablets were recovered and 245 capsules of Parvon-Spas Plus were also recovered. It is also submitted that the petitioner has no antecedents of involvement in any other case under the NDPS Act and has, in fact, taken a lift and was not aware of the fact that the driver of the vehicle was carrying some contraband. It is further submitted that it will be a matter of trial whether the petitioner was in conscious possession of the contraband recovered from the co-accused/driver and co-passenger.

Counsel for the petitioner has also submitted that after completing the investigation and conducting the search of the vehicle as well as the personal search of the accused, a ruqa was sent to the Police Station for registration of the FIR and, therefore, it will be a matter of trial whether compliance of Section 42 of the NDPS Act has been made out or not.

Counsel for the State has not disputed the factual position but opposed the prayer for bail. It is further submitted that the charges have not been framed so far.

Without commenting anything on merits of the case, considering the fact that the petitioner is not involved in any other case; he is in custody for the last 09 months and 22 days and the conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq

Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

30.09.2021
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No