

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH.

203

CRM-M-17347-2021.

Date of Decision: 19.05.2021.

Amritpal Singh @ Gaggu

....Petitioner.

Versus

State of Punjab

....Respondent.

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CORAM: HON'BLE MR. JUSTICE LALIT BATRA

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**Present:** Mr. Parminder Singh Sekhon, Advocate for petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

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**Lalit Batra, J.(Oral)**

Case has been taken up for hearing through Video Conferencing.

Present petition under Section 439 Cr.P.C has been moved by petitioner- **Amitpal Singh @ Gaggu** for grant of regular bail in case FIR No.169 dated 05.08.2020 under Sections 22, 25 and 29 of NDPS Act, registered at Police Station Maur, District Bathinda.

Learned counsel for the petitioner *inter alia* contends that the allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further urges that the only allegation

against the petitioner is that while riding on motorcycle, he was guiding the

car from which recovery of alleged contraband was effected. He further urges that the petitioner was not apprehended on the spot, whereas alleged recovery of contraband i.e. 34,000 tablets of Clovidol 100-SR (Tramadol Hydrochloride) was effected from co-accused namely Gursewak Singh and Sandeep Singh. He further urges that even otherwise offending vehicle (car make Alto bearing registration No.HR-40H-5543) belongs to co-accused Shinder Singh. He further urges that since alleged recovery of contraband, as detailed above, was effected from possession of co-accused namely Gursewak Singh and Sandeep Singh, no conscious possession of said contraband can be attributed to petitioner and thus, rigours of provisions of Section 37 of NDPS Act cannot be attracted against the petitioner. He further urges that petitioner is in custody since 03.01.2021 and he is no more required by the Police for any investigation purpose. He further submits that after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has already been presented in the Court. He further urges that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and have carefully gone through the contents of petition.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 03.01.2021; that challan has already been presented in Court and consequent trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner - **Amitpal Singh @ Gaggi** is allowed and he is ordered to be released on bail on his furnishing personal bond and surety bond to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Bathinda, as the case may be.

**(LALIT BATRA)**  
**JUDGE**

**19.05.2021**

*d.gulati*

Whether speaking/ reasoned : Yes/ No  
Whether Reportable : Yes/ No