

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

I) CRM-M-15846-2020 (O&M)

Mander Singh ... Petitioner

Versus

State of Punjab ... Respondent

II) CRM-M-23032-2020 (O&M)

Gurmukh Singh ... Petitioner

Versus

State of Punjab ... Respondent

III) CRM-M-23702-2020 (O&M)

Gurpreet Singh @ Nikka ... Petitioner

Versus

State of Punjab ... Respondent

Date of Decision:-18.11.2021

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Manpreet Ghuman, Advocate,
for the petitioner in CRM-M-15846-2020.

Mr. Mani Pal Goyal, Advocate for
Mr. P.K.S. Phoolka, Advocate,
for the petitioner in CRM-M-23032-2020.

Mr. Jashandeep Singh Sandhu, Advocate,
for the petitioner in CRM-M-23702-2020.

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

GURVINDER SINGH GILL, J.(Oral)

1. This order shall dispose of the above mentioned three petitions filed on behalf of petitioners Mander Singh, Gurmukh Singh and Gurpreet Singh @ Nikka seeking grant of regular bail in respect of a case registered vide FIR No.250 dated 6.12.2019 at Police Station Kotwali, District Bathinda under Section 22 of Narcotic Drugs & Psychotropic Substances Act, wherein offence under Section 29 of NDPS Act was added later on.
2. The case of the prosecution is that on 6.12.2019 when a police party headed by ASI Jarnail Singh was patrolling in the area of Bathinda and was present near Sabji Mandi, Behind Rajindra College, Bathinda, then 3 young persons with shorn hair were seen on the footpath adjoining the wall of the college and who were putting something in a transparent pouch and were seen frisking their hands in the bag. Upon noticing the police vehicle, they threw the bag towards the wall and stood up. The said persons were apprehended by the police officials. Intoxicant tablets had fallen from the transparent white coloured polythene bag carried by the accused and some tablets were clearly visible in the bag. Upon inquiry, the said persons disclosed their names as Mander Singh, Gurmukh Singh and Gurpreet Singh @ Nikka. It is further the case of prosecution that 3000 tablets of 'Clovidol 100-SR' were

recovered, which later upon chemical analysis were found to contain 'Tramadol'.

3. Learned counsel for the petitioners have submitted that the petitioners have falsely been implicated in the present case and, in any case, none of them can be attributed conscious possession of the contraband allegedly recovered from them. It has further been submitted that the prosecution story is highly improbable as no person, who is carrying drugs, would carry it in such a manner that he may be easily detected and that since in the instant case the accused are alleged to be carrying contraband in a transparent polythene bag from which the tablets were clearly visible, the factum of recovery of contraband is rendered doubtful as all such drug traffickers would take sufficient precautions to avoid their detection and would not carry in a transparent polythene bag.
4. Opposing the petition, learned State counsel has submitted that since all the 3 accused were caught red-handed while in possession of a 'commercial quantity' of contraband, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioners have been behind bars since the last about 1 year and 11 months and none of them is involved in any other case. It has also been informed that as on date only 1 out of the cited 9 PWs has been examined.
5. I have considered rival submissions addressed before this Court.
6. The contention raised on behalf of the petitioners regarding the improbability of the prosecution version inasmuch as the accused are alleged to be carrying contraband in a transparent polythene bag, which could easily be detected

cannot be brushed aside lightly. In any case, the petitioners have been behind bars for a substantial period of about 1 year and 11 months. They are not even stated to be involved in any other case. Further detention of the petitioners will not serve any useful purpose as conclusion of trial is likely to consume time as only 1 out of the cited 9 PWs has been examined so far. All the three petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. A photocopy of this order be placed on the file of connected case.

18.11.2021

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No