

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

204

CRM-M-23004-2020

Date of Decision:12.03.2021

JASWINDER SINGH @ SONU

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sandeep Kumar Passi, Advocate
for the petitioner.

Mr. P. S. Walia, AAG, Punjab assisted
by ASI Gurmukh 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.58 dated 03.06.2020 at Police Station Jaitu, District Faridkot, Punjab under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. It is the case of prosecution that on 03.06.2020, a secret information was received by the Police to the effect that Jaswinder Singh @ Sonu (petitioner) and Vicky Singh indulged in smuggling of intoxicant medicines and were coming in a car bearing registration No.DL-3CAA-9624. Pursuant to receipt of said information, barricading was held and

that the aforesaid car was noticed coming from the side of village Kasam Bhatti and was signalled to stop. The two occupants of the car, immediately upon halting the car, got out of the car and tried to run away. The person who came out from the driver side of the car, was carrying a polythene bag containing three boxes in his right hand out of which one box had fallen down while he was trying to flee but was caught by the Police. The said person disclosed his name as Vicky. The other person was also caught by the Police and who disclosed his name as Jaswinder Singh. The box which had fallen on the ground when Vicky was trying to run, was checked and was found to contain 750 tablets of Alprazolam. The other two boxes were also found to contain Alprazolam. The total contraband, which was recovered is 2250 tablets of Alprazolam.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that even if the allegations as levelled in the instant case are taken to be correct, no recovery was ever effected from the petitioner and that it is from the co-accused from whom 2250 tablets of Alprazolam were recovered and that the petitioner cannot be attributed conscious possession of the said contraband.

4. Opposing the petition, the learned State counsel has submitted that since there was specific information against the petitioner as well as his co-accused and the said information stands substantiated from recovery of contraband, no case for grant of bail is made out. Learned State counsel has however informed that the petitioner as on date has been

behind bars since the last about nine months and is not involved in any other case.

5. I have considered rival submissions addressed before this Court.

6. Keeping in view the fact that the recovery was effected from the bags which contained three boxes, which were being carried by the co-accused Vicky, it will certainly be debatable as to whether the petitioner can be attributed conscious possession of the same or not. In any case, since the petitioner has been behind bars for last about nine months and is not stated to be involved in any other case, the petition merits acceptance and is hereby accepted. The petitioner is order to be released on bail.

It is however clarified that none of the observation made above shall be taken an expression on the merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

12.03.2021

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