

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-28444-2021

Date of decision: 09.11.2021

RANJEET SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Karanjeet Singh, Advocate
for the petitioner.

Ms. Gurkirat Kaur, AAG, Punjab

VINOD S. BHARDWAJ, J.(Oral)

The petitioner has filed the present petition for grant of Regular bail in case FIR No. 24 dated 8.4.2021 under Section 22 of NDPS Act, 1985 registered at Police Station Nandgarh, District Bathinda.

The contention of the petitioner is that he has been falsely implicated in the said case. The narration of the FIR shows that the envelope from which recovery was allegedly effected was picked up from ground by the Investigating Officer, hence, no recovery was effected from the possession of the petitioner. It is the contention of the petitioner is that the Police has recovered 8 strips of 80 tablets of Cividol-100 SR and 3 strips of Etizolam tablets 0.5 mg (each strip containing 10 tablets).

The sample parcel of Cividol-100 SR tablets contains salt Tramadol Hydrochloride (total weight 11.076 grams) and that of Etizolam tablets contains salt Etizolam (total weight 4.090 grams). It has also been contended that the petitioner is not involved in any other case. The investigation in this case is complete and the challan is filed. No evidence has been recorded so far and conclusion of proceedings shall take long time. Further reliance was placed upon an order passed

by this Court in criminal miscellaneous bearing No. CRM-45722-2021 titled as “*Jaskaran Singh versus State of Punjab*” decided on 08.11.2021. Learned counsel for the petitioner contends that in the said case, the recovery was effected from the accused persons under similar circumstances and that contraband in question was recovered from the ground. The submission of the petitioner is that such recovery is not from the possession of the accused person and they cannot be fastened any liability for recovery effected from ground.

Learned State counsel has opposed the petition but has not disputed the factum of custody of the petitioner since 08.04.2021 and the recovery being effected from the ground. The application of the order dated 08.11.2021 passed by a Co-ordinate Bench of this Court in criminal miscellaneous No.45722 of 2021 to the facts of the instant case, is also not disputed.

I have heard learned counsel for the parties.

The petitioner has been in custody since 08.04.2021. The recovery in question was effected from ground. Evidence in the matter has yet not commenced, therefore, the conclusion of trial would take a long time. Moreover, there is no other case against the petitioner. Investigation is complete. Debateable issues arise for consideration at an appropriate stage by the learned trial Court.

Hence, no useful purpose would be served by keeping the petitioner behind bars.

In view of the above, without commenting on the merits lest it should prejudice the case of either side, the instant petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

(VINOD S. BHARDWAJ)
JUDGE

09.11.2021
Vishal sharma

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