

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

CRM-M-33128-2021

Date of Decision: 22.11.2021

Gurpreet Singh @ Lalla

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. J.S. Sandhu, Advocate for the petitioner.

Mr. B.S. Sewak, Addl. A.G., Punjab.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. seeking regular bail of the petitioner in case FIR No.317 dated 18.12.2020, registered under Section 22 (C) of NDPS Act, 1985, at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib, Punjab.

[2]. The petitioner along with co-accused Sonu was arrested on 18.12.2021 with contraband in the form of total 1100 tablets containing tramadol hydrochloride (200 tablets of RADOL-100 and 900 tablets of salt Tramadol Hydrochloride-100 MG).

[3]. Learned counsel for the petitioner has submitted that the recovery effected for the petitioner is a planted one, and has also drawn attention of the Court to the fact that the first apprehending Officer ASI Baljeet Singh and subsequently, the I.O., SI Bashir Singh had admittedly been travelling by private vehicles, when the petitioner was apprehended, and subsequently arrested following the alleged recovery.

[4] Ld. Counsel for the Petitioner has further drawn attention of the Court to various decisions of the Co-ordinate Benches of this Court in

'Balbir Kaur @ Beero vs. State of Punjab' – CRM-M-44907-2017,
'Rajwinder Singh @ Raju vs. State of Punjab' – CRM-M-2396-2020,
'Amandeep Kaur @ Kalo vs. State of Punjab' – CRM-M-29004-2019,
'Savitri Devi vs. State of Punjab' – CRM-M-26581-2021 and **'Sharna Ram vs. State of Punjab' – CRM-M-14595-2020**, in which the accused persons in custody were ordered to be released when it transpired that the vehicles used by the Police Officers, who had apprehended the accused/effectuated recovery of contraband from them were private and not Police Vehicles, which was in violation of the Policy/Circular sent by the Director General of Police, Punjab dated 4th May, 2015 in which it had been directed that only official vehicles were to be used with the rider that, *“(iv) A private vehicle is used for investigation of any case, the details of vehicle e.g. number, type, driver's name, and payment details shall be duly recorded in the Case Diary of the case”*.

[5] Learned State Counsel submits that that there is no mention in the challan/case diary regarding compliance of the conditions specified in the aforesaid Clause No.(iv) of the Policy/Circular issued by the Director General of Police, Punjab dated 4th May, 2015.

[6] In such circumstances, the petitioner would clearly appear to be covered by the ratio of the aforesaid decisions of this Court.

[7] The custody already undergone by him is almost a year since his arrest on 18.12.2020, and there is no record of his involvement in any other case under the NDPS Act.

[8] After completion of investigating, Challan against the Petitioner has already been submitted and the trial is likely to take it own considerable time.

[9] In the circumstances and without commenting upon the other merits of the case, this Court is of the opinion that further detention of the Petitioner, at this stage, for an indefinite period is not called for. As such, he is ordered to be released on bail to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

[10] Disposed off.

22.11.2021

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**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No