

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
211) CRM-M-31642 of 2020 (O&M)
Date of Decision: 25.01.2021

Rahul ...Petitioner
Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Vivek Singla, Advocate, for the petitioner.
Mr. Amit Mehta, Sr. DAG, Punjab

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conferencing.

On 26.11.2020, the following order had been passed by this
court:-

“All cases listed today have been taken up for hearing by way of
video conferencing because of the situation existing due to the COVID-19
pandemic.

CRM-M-36236 of 2020

By this petition, the petitioner seeks the concession of 'regular bail',
under the provisions of Section 439 of the Cr.P.C., upon FIR no.128, dated
16.08.2020, having been registered at Police Station Jaito, District Faridkot,
alleging therein the commission of an offence punishable under Section 22/29
of the NDPS Act, 1985.

Learned counsel for the petitioner submits that the petitioner was
never named in the FIR and has been arraigned as an accused only on the
disclosure statement allegedly made by her co-accused from whom 350
tablets of contraband drugs are alleged to have been recovered.

He further submits that there is no other criminal case registered
against him.

Upon query to learned State counsel, though otherwise he opposes

the petitioner being admitted to bail, the factual position as submitted by counsel for the petitioner could not be denied by him (on instructions from ASI Sikandar Singh).

That being so, without making any comment on the actual merits of the case, the petition is allowed, with the petitioner ordered to be admitted to bail to the satisfaction of the trial court/CJM/Duty Magistrate concerned.

CRM-M-31642 of 2020

By this petition, the petitioner seeks the concession of 'regular bail', in the context of the same FIR registered at Police Station Jaito, District Faridkot.

Learned counsel for the petitioner submits that though the recovery of 2000 tablets of what is alleged to be contraband drugs is stated to have been made from him (as per the case of the prosecution though denied by the counsel for the petitioner), even the FSL report has not been received showing as to whether any of those tablets actually contained any contraband or not.

He cites a judgment of a Division Bench of this court in Inderjit Singh @ Laadi and others v. State of Punjab 2014(3) RCR 953, to submit that till the FSL report is received in such a situation, the petitioner deserves to be admitted to interim bail. As per the custody certificate with the learned State counsel, there is no other criminal case registered against the petitioner.

In view of the above, without making any comment on the actual merits of the case, the petitioner is ordered to be admitted to interim bail to the satisfaction of the trial court/CJM/Duty Magistrate concerned, till the next date of hearing before this court.

Adjourned to 25.01.2021.

A copy of this order be placed on the file of the other connected matter too.”

Thus, the said order the co-accused of the petitioner, Veerpal, had been admitted to bail by this court on the ground that she was named as a co-accused only on a disclosure allegedly made by the present petitioner, Rahul.

As regards the present petitioner, he was admitted to interim bail on the ground that the FSL report had not been received and it was not certain, firstly, as to whether the material stated to have been recovered from the petitioner as per the investigating agency was contraband or not, in terms of the provisions of the NDPS Act; as also the quantity thereof.

Today learned State counsel submits that the FSL report has been received, stating therein that it was 820 grams powder of ‘tramadol hydrochloride’, with commercial quantity being above 250 grams.

That being so, learned counsel for the petitioner submits that he does not wish to press the present petition.

Dismissed as withdrawn, with the interim order dated 26.11.2020, passed in his favour, vacated.

25.01.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes

Whether reportable: No