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

CRM-M No. 32544 of 2019
Date of Decision: 06.10.2021

Jasbir Singh

-Petitioner

Vs

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ranbir Singh Sekhon, Advocate,
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.33 dated 31.03.2019 under Section 22 of NDPS Act registered at Police Station Khuian Sarwar, District Fazilka.

FIR was registered on the basis of secret information that the petitioner and co-accused are habitual in selling intoxicant tablets in the border villages of Punjab after taking the same from Rajasthan. The information was treated to be reliable and a naka was installed. Two persons were seen coming on a

motorcycle from Rajasthan side. The pillion rider was holding a bag in his hand. On seeing the police party, the driver of the motorcycle tried to turn the motorcycle in order to escape, but both were apprehended. The driver of the motorcycle disclosed his name as Harmeet Singh whereas the pillion rider disclosed his name as Jasvir Singh @ Jassi. ASI Ranjit Singh gave offer to the accused whether they wanted to be searched before a Gazetted Officer or Magistrate. The accused reposed faith in the Investigating Officer and thereafter, the Investigating Officer proceeded to recover the contraband from the bag held by pillion rider. 500 strips of TTRIO-SR (TROMDOL HYDROCHLORIDE TABLETS 100 MG SR) each containing 10 tablets were recovered.

Learned counsel for the petitioner submits that the police has not complied with mandatory requirement of Section 50 of NDPS Act. Even in case of reposition of faith, the police was under legal obligation to take the accused to the nearest Magistrate in order to impart authenticity, trustworthiness and creditworthiness to the prosecution case.

Learned counsel refers to **State of Rajasthan Vs. Parmanand and another, 2014(2) RCR (Criminal) 40, Vijaysinh Chandubha Jadeja Vs. State of Gujarat, 2010(4) RCR (Criminal) 911** and **Gurjant Singh @ Janta Vs. State of**

Punjab, 2013(4) RCR (Criminal) 874.

The factual position of the case is not in dispute, however, learned State counsel opposed the bail on the ground that the recovery is huge and cannot be planted.

Having considered the submissions made by learned counsel for the parties, I find that prima facie consideration of the case would show that the Investigating Officer even on reposition of faith proceeded to effect recoveries from the accused.

Complicity of the accused would remain debatable.

Keeping in view the situation arising out of pandemic COVID-19 and without meaning anything on the merits of the case, petitioner is directed to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

06.10.2021
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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