

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

**CRM-M-7264-2021**

**Date of decision: 05.01.2022**

Vakeel Singh @ Kala Doctor

Petitioner

Versus

State of Punjab

Respondent

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. Jasmail Singh Brar, Advocate for the petitioner.  
Mr. Sandeep Kumar, DAG, Punjab.

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**AVNEESH JHINGAN, J (Oral):**

1. Due to COVID-19 situation, the Court is convened through video conference.

2. This petition under Section 439 Cr.P.C. read with Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act') is filed seeking regular bail in FIR No. 0122, dated 20.06.2020, under Sections 22/61 of the Act, (offence under Section 22-C of NDPS Act, 1985 added later on vide Rapat No. 41, dated 11.1.2021) registered at Police Station Kot Bhai, District Sri Muktsar Sahib.

3. The police on 20<sup>th</sup> June, 2020, during routine checking near T point village Warra Kishanpura saw a motorcycle driven by a young man and pillion rider was a lady. On seeing the police, the driver tried to turn back the motorcycle and fell down. The driver fled the spot, the pillion rider was apprehended. She was having a transparent bag in her hand from which one thousand Clovidol-100 SR tablets were recovered.

4. Learned counsel for the petitioner submits that petitioner was not apprehended from the spot, no recovery was made from him. Paramjit

was alleged recovery, was found innocent by the police. The submission is that petitioner is in custody since 28<sup>th</sup> September, 2020, investigation is complete, challan stands presented. Submission is that petitioner was nominated due to his earlier involvement in three FIRs, he was acquitted in two and in the third, he was not apprehended from the spot. He further submits that in two cases Investigating Officer is the same.

5. Learned State counsel opposes the prayer for grant of regular bail and submits that petitioner is involved in other FIRs. He further submits that as per inquiry held, the contraband recovered from Paramjit Kaur and the motorcycle belong to the petitioner but has no instructions as to whether the motorcycle was registered in the name of the petitioner or not.

6. The petitioner was not apprehended from the spot, no recovery was made from him. The police found Paramjit Kaur innocent from whom the recovery was made. Conclusion of the trial is likely to take time, the fact that though investigation is complete, mere involvement of petitioner in other FIRs itself would not be a ground to deprive the petitioner of his personal liberty, more so when he was acquitted in two FIRs. Petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. The petition is allowed.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

**[AVNEESH JHINGAN]**  
**JUDGE**

**5<sup>th</sup> January, 2022**  
*Parveen Sharma*