

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-12281-2021 (O&M)
Date of Decision:-15.2.2022

Vicky Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Kumar Passi, Advocate for the petitioner.

Mr. M.S. Dullat, Addl.A.G., Punjab.

GURVINDER SINGH GILL, J.(Oral)

CRM-28136-2021

In view of the reasons mentioned in the application, the same is allowed and the documents annexed with the application are taken on record as Annexures P-2 and P-3 subject to all just exceptions.

CRM-M-12281-2021 (Main Case)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.58 dated 3.6.2020 at Police Station Jaitu, District Faridkot under Sections 22 of Narcotic Drugs & Psychotropic Substances Act.

2. The allegations, in nutshell, are that on 3.6.2020 when the petitioner, who was travelling in a car, was signaled to stop by the police, he tried to turn it back but the car suddenly stopped and the car driver and the person sitting on the front passenger seat alighted from the car and tried to run away. It is alleged that the driver of the car was carrying a transparent polythene bag containing intoxicant tablets and from which one box fell down. Both the said persons were nabbed by the police. While the driver of the car disclosed his name as Vicky Singh (petitioner), the person sitting on the front passenger seat disclosed his name as Jaswinder Singh @ Sonu.
3. Learned counsel for the petitioner has submitted that story of the prosecution is highly improbable as no person, who is carrying drugs/intoxicant substance, would carry it in such a manner that he may be easily detected and that since in the instant case the petitioner is alleged to be carrying contraband in a transparent polythene bag from which the tablets were clearly visible, the factum of recovery of contraband is rendered doubtful as a drug trafficker would take sufficient precautions to avoid his detection and would not carry drugs/intoxicant substance in a transparent polythene bag.
4. On the other hand, learned State counsel has submitted that since a 'commercial quantity' of contraband i.e. 2250 intoxicant tablets containing 'alprazolam' total weighing 356.31 grams were recovered from the petitioner, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 1 year and 8 months and is not involved in any other case. Learned State counsel has further informed that till date not even a single PW out of the cited 19 PWs has been examined.

5. The contention raised on behalf of the petitioner regarding improbability of the prosecution version inasmuch as the accused is alleged to be carrying contraband in a transparent polythene bag, which could easily be detected, cannot be brushed aside lightly. The fact that the contraband is stated to be carried by the petitioner in a transparent polythene bag would again make the recovery doubtful inasmuch as carrying contraband in a transparent polythene bag would easily expose such person to detection, whereas a drug-trafficker would take all precautions to avoid detection. In this context, a reference may be made to judgment passed by this Court in CRM-M-8026 of 2020 titled in Lakhwinder Singh @ Lakha Vs. State of Punjab as well as in CRM-M-20019 of 2020 titled as Gurwinder Singh @ Binder Singh Vs. State of Punjab. The petitioner, in any case, is stated to have been behind bars for a substantial period of more than 1 year and 8 months. Conclusion of trial is likely to consume time as not even a single PW out of the cited 19 PWs has been examined so far. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

15.2.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No