

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

205

**CRM-M-12129 of 2022**  
**Date of Decision:31.05.2022**

**Jaswinder Singh @ Binder**

**---Petitioner**

**versus**

**State of Punjab**

**---Respondent**

**CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present: Mr. Rishabh Singla, Advocate  
for the petitioner

Ms. Amarjit Kaur Khurana, DAG, Punjab

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**VINOD S. BHARDWAJ, J. (ORAL)**

The instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No. 146 dated 10.10.2021 under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Adampur, District Jalandhar.

Learned counsel appearing for the petitioner contends that the FIR in the present case has been registered against the petitioner by the police official, who was on patrolling duty on 10.10.2021. As per the case of the prosecution, the said official was present at Canal Bridge of village Daulike Sundarpur in a Government vehicle when they notice a clean shaven boy coming on foot and holding a black colour plastic bag. On the seeing the police party, the said boy took a back turn. On suspicion being raised by the conduct of the said boy, he was apprehended by the police officials and he disclosed his name as Rana son of Kuldeep. After compliance of the provisions of Section 50 of the Narcotic Drugs and

Psychotropic Substances Act, 1985, a search was conducted whereupon, 230 intoxicant tablets make alprazolam IP 0.5 mg were recovered from the possession of the said accused namely Rana son of Kuldeep resident of Kotli Sekhan, Police Station, Adampur. It is contended that name of the petitioner figured in the confessional statement of said accused Rana and that no recovery has been effected from the petitioner. He contends that the petitioner was thereafter arrested on 03.01.2022 and has been in custody since then. It is also submitted that quantity recovered from the petitioner is not commercial quantity.

Ms. Amarjit Kaur Khurana, DAG, Punjab, does not dispute the aforesaid factual aspects urged by counsel for the petitioner. However, she contends that there were five cases registered against the petitioner.

On being confronted by the aforesaid assertions made by counsel appearing on behalf of the State, counsel appearing for the petitioner has pointed out that the petitioner already stands acquitted in three of the said cases while one case has already been quashed. There is only one case bearing FIR No. 253 dated 19.11.2020 under Sections 22/61/85 of the NDPS Act registered against the petitioner at Police Station, Adampur, wherein the petitioner has already been granted the concession of bail. He contends that as no recovery has been effected from the petitioner in the present case, the case of the prosecution relies upon a disclosure made by co-accused person namely Rana son of Kuldeep while in police custody and the same would be hit by Section 25 of the Evidence Act.

I have heard learned counsel for the parties and have perused the material on record.

Taking into consideration the circumstances noticed above as well as the fact that charge in the instant case has not been framed yet and the case is now fixed for 08.07.2022 for proceedings including framing of charge and also the period of custody as well as the fact that the petitioner already stands acquitted in three cases registered against him and the 4<sup>th</sup> case already stands quashed, the present petition is allowed and the petitioner is admitted to regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court.

**(VINOD S. BHARDWAJ)**  
**JUDGE**

**31.05.2022**

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No