

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

(I) CRM-M-20568-2021 (O&M)

Jagseer Singh @ Jaggi ...Petitioner

Versus

State of Punjab ...Respondent

(II) CRM-M-20796-2021 (O&M)

Gurtej Singh @ Babblu ...Petitioner

Versus

State of Punjab ...Respondent

Date of Decision: 02.12.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. B.S.Aulakh, Advocate, for
Mr. I.S.Dhaliwal, Advocate, for the petitioner
in CRM-M-20568-2021.

Mr. Raghav Goyal, Advocate, for the petitioner
in CRM-M-20796-2021.

Ms. Swati Batra, AAG, Punjab,
assisted by SI Ranjit Singh.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the aforesaid two petitions filed on behalf of Jagseer Singh @ Jaggi and Gurtej Singh @ Babblu respectively, seeking grant of regular bail in respect of a case registered against them vide FIR No.13 dated 01.02.2021 at Police Station Kabarwala, District Sri Muktsar Sahib, under Section 22(c) of the NDPS Act (Section 29 of the NDPS Act added later on).

2. As per the prosecution, the petitioners were apprehended by the police on 01.02.2021 while in possession of 1050 tablets of 'Alprazolam' (total weighing 127 grams), which were being carried by them in a transparent polythene bag.
3. Learned counsel for the respective petitioners have submitted that they have falsely been implicated in the present case and that it is highly unlikely that the petitioners would be carrying the contraband in a 'transparent' polythene bag, as carrying contraband would be inviting trouble for themselves inasmuch they would be exposing themselves to detection.
4. Opposing the petition, learned State counsel has submitted that since the petitioners were caught red-handed while in possession of 'commercial' quantity of contraband, no case for grant of bail is made out. Learned State counsel has, however, informed that both the petitioners as on date have been behind bars since the last about 1 year & 10 months and that they are not involved in any other case.
5. This Court has considered rival submissions.
6. It is not in dispute that the recovery in the present case was effected from a 'transparent' polythene bag, which the petitioners were stated to be carrying. It is highly unlikely that accused would be carrying contraband in a 'transparent' polythene bag, as the same would be suicidal for any drug trafficker particularly in a public place. The contention raised on behalf of the petitioners regarding improbability of the prosecution version on this count, cannot be brushed aside lightly. Any drug trafficker would take utmost care and caution while carrying a drug so as to rule out the possibility of detection. He would make every effort to

carry the contraband in a concealed manner as public display of the same would lead to his detection and consequently he could be charged for commission of an offence inviting extremely harsh sentence. As such, the story that accused were carrying contraband in a 'transparent' polythene bag from which it could be seen is highly improbable and is doubtful. 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.

7. Having regard to the aforestated position, involvement of the petitioners is rendered doubtful. In any case, the petitioners have been behind bars for a substantial period of about 1 year & 10 months and otherwise enjoy a clean record. In these circumstances, further detention of the petitioners will not serve any useful purpose as the conclusion of trial will take some time. Both the petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. It is, however, made clear that none of the observations made above shall be taken to be an expression on merits of the main case.
9. A photocopy of this order be placed on the connected file.

(GURVINDER SINGH GILL)
JUDGE

02.12.2022

Vimal

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**