

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

CRM-M-26438-2022 (O&M)

Date of decision: 20.09.2022

Satgur Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Parminder Singh Sekhon, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.106 dated 17.09.2021, registered at Police Station Longowal, District Sangrur, under Sections 22 and 29 NDPS Act, 1985.

Learned counsel for the petitioner contends that co-accused Bhagwant Singh was driving the motor-cycle with two pillion riders i.e. petitioner and co-accused-Bittu; that the petitioner was sitting on the motor-cycle in between Bhagwant Singh and Bittu; that during investigation, co-accused Bhagwant Singh disclosed that he had brought such intoxicant tablets some days back from one Mangat Raj @ Kala, who was earlier working at a medical store, situated near Bus Stand, Civil Hospital Talwandi Sabo; that there is no allegation that the petitioner was in possession of the recovered intoxicant tablets and that the petitioner has been in custody since 17.09.2021.

Learned counsel for the petitioner also points out that even as per the status report dated 05.09.2022 filed on behalf of the respondent-State, the

alleged recovered tablets having Batch No. BBT187040 MFG. Date Jan. 2019 Exp. Date Dec. 2020, which means that at the time of alleged recovery i.e. on 17.09.2021, the tablets were of expiry date and after expiry, the tablets are easily available with the Chemist(s) and the same were planted by the police upon the petitioner and co-accused and that the petitioner is not involved in any other case.

Learned State counsel, while vehemently opposing the prayer for bail, submits that recover of the tablets were effected from the handle of the motorcycle, which was being driven by co-accused Bhagwant Singh and as the recovery was effected in a public view, which means that the tablets were in the knowledge of the petitioner. However, he does not dispute the custody period of the petitioner and the facts that there is no other case against the petitioner and the recovered tablets were of expiry date. He submits that the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 17.09.2021. Though the recovery was effected from the handle of the motor cycle, which was being driven by co-accused Bhagwant Singh with two pillion riders i.e. petitioner and co-accused-Bittu, yet the fact remains that the tablets were of expiry date. Moreover, there is no other case against the petitioner. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed

and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

It is also clearly stipulated that the petitioner would be required to remain present on all dates fixed by the trial Court and his counsel will not seek unnecessary adjournments and that if the petitioner seeks to delay the trial or involves him into another case of a similar nature, the trial Court is permitted to put back him into incarceration.

(HARNARESH SINGH GILL)
JUDGE

20.09.2022
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No