

(215) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31510-2021
Date of Decision: 30.08.2022

PARWINDER SINGH @ MINTU

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Deepak Aggarwal, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, D.A.G, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail in case bearing FIR No.70 dated 14.05.2021 (Annexure P-1) registered under Section 22(b) of NDPS Act, 1985 (Section 15 of Indian Medical Council Act added later on) with Police Station Nathana, District Bathinda.

2. The brief facts of the case are that while the police party was on patrolling duty, then near Village Tungwali, Link Road Chakk Fateh Singh Wala, a young person holding a transparent polythene bag was seen coming who on seeing the police vehicle threw away the transparent polythene held by him and tried to turn back. He was apprehended and thereafter, disclosed his name as Parwinder Singh @ Mintu (the present petitioner). 490 tablets of Etokalm-MD tablets were recovered from the polythene bag thrown by the petitioner.

3. The learned counsel for the petitioner *inter alia* contends that the tablets allegedly recovered from him contained the salt 'Etizolam' which is an anti anxiety medicine. The said salt was notified under the NDPS Act and notification in this regard was issued only on 23.03.2021 vide which the entry at Sr. No.238ZZC had been added in the Schedule of the NDPS Act. The present FIR came to be registered on 14.05.2021 and no publication qua the aforesaid notification had been issued. Therefore, the petitioner was unaware that the salt in question had been brought within the domain of the NDPS Act. He contends that the petitioner had been granted interim bail for six weeks in view of the 8th Meeting of the High Powered Committee of this Court on 26.05.2021 after which he surrendered on 14.07.2021. He further contends that there is no other case against the petitioner and even, otherwise he is in custody since 14.05.2021 and only 01 out of the 13 prosecution witnesses have been examined so far, which means that the trial of the present case would not be concluded any time in the future. He thus, prays for the grant of regular bail.

4. On the other hand, the learned State counsel contends that commercial quantity of contraband was recovered from the petitioner and therefore, he does not deserve the concession of regular bail. He however, does not dispute the factual assertions of the petitioner that he is not involved in any other case as also the period of custody undergone by him.

5. I have heard the learned counsel for both the parties at length.

6. Undoubtedly, the recovery from the petitioner is of commercial quantity of contraband. However, the petitioner is in custody since 14.05.2021 and only 01 out of the 13 prosecution witnesses have been

examined so far. He was granted the concession of interim bail which he did not misuse, which would *prima facie* satisfy the requirements of Section 37 of the NDPS Act. In the case of Gurpreet Singh Versus State of Punjab passed in CRM-1212-2022, decided on 16.08.2022 in more or less similar circumstances, the petitioner therein had been granted the concession of bail when the recovery was of commercial quantity of 'Etizolam' like in the present case.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Parwinder Singh @ Mintu son of Ughar Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the Trial and inform in writing each time that he is not involved in any other crime other than the case mentioned in this order.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

30.08.2022

JITESH

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