

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

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**CRM-M-33403-2022 (O&M)
Date of decision: 07.12.2022**

Bhagwant Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sarabjit Singh Grewal, Advocate for the petitioner.

Mr. Gurlal Singh Dhillon, AAG 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, 25, 29 NDPS Act, 1985.

Learned counsel for the petitioner contends that as alleged, the petitioner was driving the motorcycle with two pillion riders and the recovery of 1000 tablets of Tramadol was recovered from the polythene hanging on the motorcycle; that the motorcycle does not belong to the petitioner; that during investigation, the petitioner 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; that the petitioner has been in custody since

17.09.2021 and that co-accused Satgur Singh was granted bail by this Court vide order dated 20.09.2022.

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 in CRM-M-26438-2022 bail petition preferred by co-accused Satgur Singh, 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 recovery of the tablets were effected from the handle of the motorcycle, which was being driven by the petitioner 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 out of 18 prosecution witnesses, 01 has been 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 the petitioner with two pillion riders, yet the fact remains that the tablets were of expiry date. Co-accused Satgur Singh is on regular bail. Moreover, there is no other case against the petitioner. Remaining 17

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

07.12.2022
Mangal Singh

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