

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

CRM-M-37443-2021 (O&M)
Date of Decision:- 23.2.2022

Didar Singh @ Kala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Jagmeet Singh Moudgill, Advocate for the petitioner.

Mr. M.S. Dullat. Additional Advocate General, Punjab.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in a case registered vide FIR No. 147 dated 17.7.2021 under Sections 22 and 29 of the NDPS Act at Police Station Dirba, District Sangrur.
2. The FIR was lodged pursuant to receipt of secret information by the police to the effect that Jaswinder Singh @ Laddi indulges in sale of intoxicant tablets and that even on the given day i.e. on 17.7.2021, he had purchased intoxicant tablets from Gurwinder Singh @ Gaggi, who in turn had purchased from Didar Singh (petitioner). Information was further to the effect that Jaswinder Singh @ Laddi was proceeding towards Grain Market, Dirba on foot for the purpose of selling intoxicant tablets. It is further the case of prosecution that on the basis of the secret information, the police was able to apprehend Jaswinder Singh @ Laddi, who was found in possession of 770 tablets of 'Tramadol Hydrochloride'. The petitioner Didar Singh was

also arrested shortly thereafter and he was found in possession of 300 tablets of 'Tramadol Hydrochloride'.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that in any case it is a case of recovery of 300 tablets of 'Tramadol Hydrochloride', the total weight of which comes to 131 grams and which would fall in the category of 'non-commercial quantity' and as such, the petitioner deserves the concession of bail.
4. On the other hand, the learned State counsel has submitted that since the petitioner has been supplying intoxicant tablets to his co-accused and since the co-accused Jaswinder Singh @ Laddi was also arrested on the same day around the same time and who was found in possession 770 tablets of 'Tramadol', the petitioner has to be attributed conscious possession of the recovery effected from the co-accused as well and by clubbing the quantity of contraband recovered from the petitioner as well as from co-accused Jaswinder Singh, the same would fall within the category of 'commercial quantity' and as such, fetters imposed by Section 37 of the NDPS Act would get attracted in the matter of grant of bail. The learned State counsel has, however, informed that the petitioner has been behind bars since the last more than 7 months.
5. I have considered rival submissions addressed before this Court.
6. The petitioner is stated to have been arrested shortly after the arrest of Jaswinder Singh. The contraband recovered from the petitioner i.e. 300 tablets of 'Tramadol Hydrochloride' weighs a total of 131 grams and would fall in the category of 'non-commercial quantity'. It would be debatable as

to whether the petitioner can be attributed conscious possession of the contraband recovered separately from co-accused Jaswinder Singh. In any case, since the petitioner has been behind bars for about 7 months and the trial has not even commenced, further detention of the petitioner will not serve any useful purpose.

7. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.2.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No