

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42510 of 2021
Date of Decision: 16.05.2022

Shamsher Singh @ Shammi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. G.S. Sandhu, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

JASGURPREET SINGH PURI, J.(ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.0173, dated 23.06.2021 under Section 22 (b) of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at P.S. City Sri Muktsar Sahib, District Sri Muktsar Sahib.

2. It has been submitted by learned counsel for the petitioner that in the present case, the petitioner has been falsely implicated in view of the fact that he was earlier involved in two more FIRs pertaining to same salt and quantity of Tramadol tablets and therefore the present case has been planted upon the petitioner. He further submitted that even as per the prosecution and the FIR, the petitioner on seeing the police party had thrown away the polythene bags which were allegedly containing 520 tablets of Tramadol. He further submitted that there was no recovery from the conscious possession of the petitioner and no independent witness has joined. He further submitted that

submitted that the aforesaid quantity does not fall in the category of commercial quantity. He has further submitted that an affidavit has been filed by the Deputy Superintendent of Police, Sub-Division Sri Muktsar Sahib, District Sri Muktsar Sahib and in the affidavit nowhere it is stated that in case the petitioner is granted bail then he may abscond or may influence any witness or may repeat the offence. Learned counsel further submitted that the petitioner is in custody from 23.06.2021 and investigation of the case has already been completed and since the trial of the case may take long time, he may be considered for the grant of concession of regular bail.

3. On the other hand, learned State counsel has submitted that it is correct that the petitioner is in custody from 23.06.2021 and the investigation of the case has been completed and challan has already been presented. He further submitted that it is also correct that the aforesaid confiscated quantity does not fall in the category of commercial quantity since the total number of tablet were 520 tablets of Tramadol and the weight was less than 201.87 grams, which is less than 250 grams.

4. I have heard the learned counsel for the parties.

5. The petitioner is in custody from 23.06.2021 and as per the reply filed by the State and the arguments addressed by the learned State counsel, the alleged recovery from the petitioner was 520 tablets of Tramadol. However, the recovery was made from the road and the allegations against the petitioner were that he had thrown away the polythene bags. Although, the petitioner is involved in two more cases but as per the learned counsel for the parties, the earlier FIRs were was also pertaining to small quantity of Tramadol. The investigation of the case has been completed. As per the affidavit filed by the State, there is nothing to show that in case the petitioner is released on bail, then he may abscond or may influence any witness or may

flee from justice nor such an argument has been raised by the learned State counsel.

6. In view of the aforesaid facts and circumstances of the present case, this Court deems it fit and proper to grant bail to the petitioner. Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

7. It is made clear that the aforesaid observations would not mean anything on the merits of the case, as the same are only for the purpose of deciding the present petition.

(JASGURPREET SINGH PURI)
JUDGE

May 16, 2022
Manpreet

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