

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

(Sr. No. 263)

CRM-M No. 44462 of 2021

Date of decision : 28.02.2022

Raj Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Jasraj Singh, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

* * *

DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C.
for the grant of regular bail in FIR No.20 dated 01.08.2018 registered under
Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985
(for short – the NDPS Act) at Police Station Patara, district Jalandhar.

The petitioner along with three of his co-accused is being
prosecuted for the reason that 1564 intoxicant tablets containing
Alprazolam and Tramadol Hydrochloride were recovered from the
dashboard of a car in which they were travelling.

Learned counsel for the petitioner contends that the petitioner
has been falsely implicated in this case; he has undergone actual custody of
02 years and 10 months; there is no other criminal case under the NDPS Act
that the petitioner faces; no recovery has been effected from the petitioner's

person; the alleged recovery was effected from the dashboard of a car on the back seat of which the petitioner was travelling; the petitioner had no knowledge of any psychotropic substance lying in the dashboard of the car; all the other similarly placed co-accused have been granted regular bail; on 23.12.2020 the petitioner was also granted interim bail till 22.04.2021 and thereafter, under a wrong impression, he continued to appear before the Trial Court and did not surrender before the jail authorities; such omission on the part of the petitioner was *bona fide* and that since seven prosecution witnesses still remain to be examined in the petitioner's trial the same will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he had earlier jumped the interim bail granted to him by this Court and that if he is released on bail he is likely to commit similar offences.

A perusal of the interim orders passed by the Trial Court reveal that after the expiry of the interim bail granted to the petitioner he was regularly appearing before the Trial Court. Therefore, it is possible that after the expiry of the period of interim bail, he did not surrender before the jail authorities due to a *bona fide* miscommunication between him and his counsel.

The petitioner has undergone actual custody of 02 years and 10 months; he has no other case pending against him under the NDPS Act; it is debatable as to whether the psychotropic substance allegedly recovered from the dashboard of the car was in the knowledge of the petitioner; all the other three similarly placed co-accused have been granted regular bail by

this Court and that the petitioner's trial wherein seven prosecution witnesses still remain to be examined is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Jalandhar, who shall insist on heavy local sureties, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

28.02.2022

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No