

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

CRM-M-40633-2020 (O&M)  
Date of Decision:- 16.5.2022

Harjot Singh @ Jyoti ...Petitioner

Versus

State of Punjab ...Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present: Mr. Munish Raj Chaudhary, Advocate for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab  
assisted by SI Jasvir Singh.

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**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner seeks grant of regular bail in a case registered vide FIR No. 73 dated 18.7.2020 under Sections 22, 25 and 29 Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sehna, District Barnala.
2. Reply filed by the State, which is taken on record.
3. The case of the prosecution is that on 18.7.2020 when a police party headed by ASI Baljit Singh was present at Canal Bridge, Sehna, a secret information was received to the effect that Harjot Singh @ Jyoti (petitioner) indulged in sale of intoxicant tablets in the area of Village Sehna and that on the given day he was coming towards Grain Market, Sehna on his motorcycle bearing registration No. PB-03-AJ-9515 for the purpose of selling intoxicants.

4. Pursuant to receipt of said information, the police was able to intercept the motorcycle on which the petitioner was travelling. The polythene bag was found lying on his thighs which was found to contain 1000 tablets of Clovidol SR (Tramadol).
5. The learned counsel for the petitioner has submitted that it is a case wherein he has been falsely implicated and that the falsity of the case would be evident from the fact that as per recovery memo the alleged contraband is stated to have been recovered from a transparent polythene bag which is highly unlikely as no person would carry contraband in a transparent polythene bag as carrying the same could easily expose him to detection and render him liable for commission of offence.
6. On the other hand, learned State counsel, while not disputing that recovery was effected from a transparent polythene bag, has submitted that since the petitioner was caught red-handed while in possession of huge quantity of contraband, no case for grant of bail is made out. Learned State counsel has informed that the petitioner is not involved in any other case. It has also been informed that the petitioner has been behind bars since the last 1 year 9 months and 23 days and out of the cited 15 prosecution witnesses, one prosecution witness has been examined.
7. I have considered rival submissions addressed before this Court.
8. It is not in dispute that the recovery in the present case was effected from a transparent polythene bag which the petitioner was stated to be carrying. It is highly unlikely that accused would be carrying contraband in a transparent polythene bag as the same would be suicidal for any drug trafficker particularly in a public place. The contention raised on behalf of the

petitioner regarding improbability of the prosecution version on this count, cannot be brushed aside lightly. Any drug trafficker would take utmost care and caution while carrying a drug so as to rule out the possibility of detection. He would make every effort to carry the contraband in a concealed manner as public display of the same would lead to his detection and consequently he could be charged for commission of an offence inviting extremely harsh sentence. As such, the story that accused was carrying contraband in a transparent polythene bag from which it could be seen is highly improbable and is doubtful. In this context, a reference may be made to judgment passed by this Court in CRM-M-8026 of 2020 titled in Lakhwinder Singh @ Lakha Vs. State of Punjab as well as in CRM-M-20019 of 2020 titled as Gurwinder Singh @ Binder Singh Vs. State of Punjab.

9. Conclusion of trial is likely to consume time as only one PW out of the cited 15 PWs has been examined so far.
10. Having regard to the aforesaid position, involvement of the petitioner is rendered doubtful. The petitioner otherwise has a clean record. In these circumstances, further detention of the petitioner will not serve any useful purpose. 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.
11. It is however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

**16.5.2022**

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**(Gurvinder Singh Gill)**  
**Judge**