

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.49709 of 2022 (O&M)
Date of decision : 07.12.2022

Pappu Singh @ Malkiat Singh

..... Petitioner

versus

The State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Satveer Singh Badal, Advocate for the petitioner.

Mr. Jaiteshwar Singh, Asstt. A.G., Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.135 dated 17.07.2022 registered under Sections 21/22 of NDPS Act, 1985 at Police Station Kotbhai, Distt. Sri Muktsar Sahib.

Counsel for the petitioner submits that the allegation against the petitioner is of being in conscious possession of 250 tablets of Colovidol-100 SR. However, as per the FSL report the same was found to be cetirizine, which does not fall within the ambit of Narcotic Drugs or Psychotropic Substance as enumerated under the NDPS Act, 1985. The petitioner has been in custody since 17.07.2022.

Per contra learned State counsel on instructions from SI Balwinder Singh does not dispute the aforesaid factual assertions made by learned counsel for the petitioner.

Keeping in view the aforesaid fact that the contraband alleged to have been recovered from the petitioner is not found to be either Narcotic Drugs or Psychotropic Substance, the petitioner is held entitled for grant of regular bail. The present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

- (i) The petitioner shall not mis-use the liberty granted.*
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.*
- (iii) The petitioner shall not absent himself on any date before the trial.*
- (iv) The petitioner shall not commit any offence similar to the one alleged in the present case.*
- (v) The petitioner shall deposit his passport, if any with the trial Court.*
- (vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.*
- (vii) The petitioner shall not in any manner try to delay the trial.*

Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

07.12.2022

Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No