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

CRM-M-25987-2023
Date of decision : 06.12.2023

CHARANJIT SINGH @ CHANNI SINGHPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. D.S. Bhinder, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Rajesh Lamba, Advocate for the complainant.

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.142 dated 09.09.2022 registered for the offences punishable under Sections 22 of Narcotic Drugs and Psychotropic Substances Act 1985 (for short, 'the NDPS Act') at Police Station City Rampura, District Bathinda.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. As per the contents of the FIR it has been alleged as under :

“Today I SI alongwith Senior Constable Mandeep Singh 2052/Bathinda, Sepoy Keshoveer Singh 2213 and PHC Ranjit Singh S/8/84 while riding in a private car in search of bad

elements and in connection of patrolling towards Steleco bridge and when the police party their behind about 100 meter before the drain then four persons while putting a cloth in between them were checking the tablets, on seeing the car of the police party stood up leaving the cloth alongwith the tablets and tried to move. The street lights on the road were on. Upon which I SI on the basis of the doubt got stopped the police vehicle and with the help of other police men apprehended all the four persons and on the cloth lying in between them the intoxicating tablets of brown and white colour could be seen clearly. The private witness was tried to associate but could not be associated and then I ask the name and addresses of the apprehended persons and they disclosed turn by turn their names as Gurdeep Singh S/o Deepa S/o Kartar Singh, S/o Bugar Singh, resident of Gandhi Nagar, Gali No.8, Mandi Rampura, Charanjeet Singh @ Channi S/o Amarjeet Singh S/o Mohan Singh resident of Mehraj Basti, near ground, Rampura, Sandeep @ Sonu S/o Hakhim Singh s/o Mahala Singh, resident of Mehraj Basti, Mandi Rampura, Pardeep Singh @ Monu S/o Jasvir Sigh S/o Sukhmander Singh, resident of Nandi Gaushala, Mehraj Basti, Mandi Rampura and then I counted the intoxicating tablets lying in between the apprehended persons and on counting the white tablets came to be 95 strips of 10 tablets of each total 950 tablets, on which NRx Tramadol Prolonged release Tablets IP TRAMWEL SR 100 B.NO. PCCKE38 MEG.DATE 02/2022 EXPIRY DATE 01/2024 was written and on the brown tablets 72 strips of 10 tablets each total 720 tablets. Upon which NRx Alprazolam Tablets IP 0.5 mg ALPRASAFE-0.5 and upon all the strips B. NO PCCAA902 MEG. DATE 02/2022 EXPIRY DATE 01/2025 it written total 1670 tablets and I SI prepared a parcel of the recovered intoxicating tablets white and brown by putting the same in cloth and sealed it with my seal GS and prepared a sample seal separately. Since private witness was not found the seal after used was handed over to Senior Sepoy Mandeep Singh. Thereafter, I SI taken into possession the parcel of the

intoxicating tablets with vide the recovery memo, which was signed by witnesses. Gurdeep Singh, Charanjeet Singh, Sandeep Singh and Pardeep Singh, on asking me, could not produce any licence or prescription of the doctor and they by possessing the aforesaid white and brown tablets, total 1670 intoxicating tablets without licence or permit have committed an offence under Section 22/61/85 of NDPS Act. Therefore, Rukka is being sent for registration of case against Gurdeep Singh, Charanjeet Singh, Sandeep Singh and Pardeep Singh through PHG Ranjit Singh to Police Station by hand, the number of the FIR be informed, special reports be issued and copies of the FIRS be sent to the area Magistrate and Higher Officers. DCR, Bathinda be informed. XXXX”

4. Counsel for the petitioner submits that the story being put-forth by the prosecution is highly improbable as it is unbelievable that the accused will be sitting with 1670 unconcealed intoxicating tablets open to the public view. He further submits that the petitioner has clean antecedents. The petitioner is in custody for more than 1 year, 2 months and 24 days. Charges were framed on 10th of April, 2023 and most of the witnesses are official witnesses yet in about eight months only two witnesses including one in part could be examined by the prosecution.

5. State Counsel is not in posititon to dispute the factual assertions made by counsel for the petitioner which are based on record. However, he submits that keeping in view the large quantity of contraband involved and the bar as contemplated under Section 37 of the NDPS Act, the petitioner does not deserve grant of bail.

6. I have heard counsel for the parties and have gone through records of the case.

7. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the petitioner has clean antecedents, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. 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 while on bail.
- (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 cellphone number without permission of the trial Court.
- (vii) The petitioner shall not in any manner try to delay the trial.

9. In case of breach of any of the aforesaid conditions and those which may be imposed by the Trial Court, the prosecution shall be at liberty to move cancellation of bail of the petitioner.
10. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

December 06, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No