

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-37019 of 2022

Date of decision: 23rd March, 2023

Jagdeep Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. SPS Khaira, Advocate for the petitioner.
Mr. I. S. Mann, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

This is a second petition seeking regular bail in FIR No. 102 dated 20.8.2020, under Sections 457, 380, 411 IPC and Section 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (for short, 'the Act'), registered at Police Station Machhiwara Sahib, District Ludhiana.

Reply filed on behalf of the State is taken on record, copy supplied to learned counsel for the petitioner.

The brief facts are that FIR was registered at the instance of Rakesh Kapoor alleging that a theft was committed at Navkiran De-addiction Center Samrala Road, Machhiwara Sahib. 46,000 tablets of brand Addnok and Rs.2,00,000/- were stolen. The police on the basis of secret information on 21.8.2020 arrested Jagdeep Singh (petitioner) and at his instance recovered 46,000 tablets of Addnok from the bank of Sirhind Canal at village Garhi Tarkhana. As per the case set up by the police, the narcotics were recovered in the presence of Drug Inspector- Sandeep Kaushik who reported that the recovered tablets are covered under the Act.

Learned counsel for the petitioner submits that the petitioner is

in custody since 21.8.2020, the trial is not progressing at a decent pace and it is a case of false implication. He further submits that the Drug Inspector in his deposition stated that he was never called at the spot of recovery. He relies upon the decision of the Supreme Court in *SLP (Crl.) No. 6690 of 2022-- Dheeraj Kumar Shukla v. The State of Uttar Pradesh*, decided on 25.1.2023.

Learned counsel for the State opposes the prayer for grant of bail and submits that the recovery was of commercial quantity. However, he fairly submits that the material witnesses have been examined. He further on instructions from ASI-Saudagar Singh is not disputing the fact that the Drug Inspector was declared hostile.

The observations made hereinafter shall not be construed as an expression of opinion on the merits of the case and are made only for the purpose of deciding the present bail petition.

The recovery was not made from the conscious possession of the petitioner but was at his instance from the bank of canal. The antecedents of the petitioner are clean. The Drug Inspector has not supported the case of the prosecution. In similar circumstances in *Deeraj Kumar Shukla's case (supra)*, the Supreme Court granted bail.

The petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

23rd March, 2023

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1. Whether speaking/ reasoned
2. Whether reportable

: Yes / No
: Yes / No