

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

CRM-M-46021-2022
Date of Decision:24.02.2023

PAWAN KUMAR @ PAMMA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR JUSTICE SANDEEP MOUDGIL

Present: Mr. Manoj Kumar Sharma, Advocate
 for the petitioner.

SANDEEP MOUDGIL, J. (ORAL)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked seeking regular bail to the petitioner in case FIR No. 247, dated 27.08.2022, under Sections 21, 22 and 29 of NDPS Act 1985, registered at Police Station Civil Lines, Batala.

Learned counsel for the petitioner has contended that the alleged recovery of 100 tablets of Tramadol Hydorchloride is small in quantity and the said recovery is not from the possession of the petitioner and the same has been planted upon the petitioner.

This factum of false implication in this case has also been drawn at strength as contents of the FIR states that heroin was recovered vide Form 29 M from the petitioner, which is sent to FSCL and report has been received wherein the alleged recovery is of 100 Tablets of Tramadol Hydrochloride and not of heroin.

Notice of motion.

On the asking of this Court, Mr. Mohit Chaudhary, AAG,

Punjab accepts notice on behalf of the respondent-State and has produced custody certificate and alongwith copy of the report from the Regional Testing Forensic Science Laboratory, which are taken on record.

According to the said report, it is evident that Tramadol Hydrochloride has been found present in the content of the parcel.

As per custody certificate, the petitioner is behind bars for almost 06 months and he is involved in another case bearing FIR No. 243 dated 25.11.2021, Police Station Civil Lines Batala, wherein he has also been granted bail.

Keeping in view the totality of the facts and circumstances and also the fact that the contraband is non-commercial in quantity and the same is not recovered from the possession of the petitioner, the petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition is disposed of accordingly.

24.02.2023
pry

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No