

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

210

CRM-M-53720-2022

Decided on : May 03, 2023

JASWINDER SINGH

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. P. S. Sekhon, Advocate
for the petitioner.

Mr. Jashanpreet Singh, DAG, Punjab.

NAMIT KUMAR, J. (Oral)

1. By way of filing the instant petition under Section 439 of Cr.P.C. , the petitioner has approached this Court seeking grant of regular bail in case F.I.R. No.78 dated 12.06.2022, under Sections 22, 25 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sadar Ahmedgarh, District Malerkotla (Earlier District Sangrur).

2. As per the FIR, on 12.06.2022 ASI - Harbax Singh along with other police officials ASI Gurmel Singh, SC Lakhvir Singh and C.Mandeep Singh, on private car along with laptop, etc., in connection with patrolling and checking of suspicious persons and vehicles, were present at T-Point Rohira. At about 6.10 p.m., ASI - Harbax Singh received a secret information that Jaswinder Singh (petitioner) son of Gurmeet Singh resident of Bhogiwal, P.S. Sadar Ahmedgarh District Malerkotla would be coming from village Balewal to main road via link road, in his car bearing no.PB28H-0104 make Kwid, for supplying intoxicant

tablets and if nakabandi would be held, he could be apprehended along with intoxicant tablets. Considering that information to be reliable, ASI- Harbax Singh sent a ruqa through C. Mandeep Singh to the Police Station for registration of case against above said Jaswinder Singh and he requested for sending another competent officer at the spot. Upon getting such information, SI Jagtar Singh along with ASI Daljeet Singh and ASI Gurmel Singh held nakabandi at the relevant place. During that process, one car bearing no.PB-28H-0104 make Kwid coloured white coming from the side of village Balewal. SI Jagtar Singh signalled that car to stop but the driver of that car became perplexed on seeing police and tried to turn his car towards backside but that car was stoped suddenly. Thereafter, the driver of that car was apprehended. On being asked, he disclosed his name as Jaswinder Singh son of Gurmeet Singh resident of Bhogiwal, P.S. Sadar Ahmedgarh. On seeing inside the car through glass, two transparent envelope containing strips of intoxicant tablets were seen lying on the conductor seat. On counting, 150 strips, each strip containing 20 tablets i.e. total 3000 tablets make Bupernorphine and Naloxone Sublingual Tablets IP addseal-N from one transparent envelope were recovered and from another envelope 300 strips, each strip containing 10 tablets i.e. total 3000 tablets make Bupernorphine and Naloxone Sublingual Tablets seal-N were recovered and same were taken into police possession.

3. Learned counsel for the petitioner *inter alia* submits that the petitioner was working as driver in the Gurukirpa Manurog Hospital & De-addiction Centre, Kup Kalan, Malerkotla, as is clear from a bare perusal of his Identity Card (Annexure P-2) and the photograph (Annexure P-3). He submits that on 12.06.2022, Dr. Kashif Farooqui, who was working as Manager in the said De-addiction Centre, has sent the petitioner to Samana for bringing some

medicines in a car bearing Registration No.PB-28-H-0104 belonging to the said Manager alongwith person namely Salman Khan by giving them Rupees 03 lacs and the whole incident has been recorded in the CCTV Cameras installed at the said Drugs De-addiction Centre. Consequently, the petitioner and said Salman Khan took the said medicines from De-addiction Centre at Samana and thereafter the petitioner alongwith said Salman Khan were apprehended. He further submits that the petitioner has been falsely implicated in the present case and the representations dated 20.06.2022 and 05.08.2022 have been submitted by the parents of the petitioner to the Senior Superintendent of Police, Malerkotla and acting on the said representations, said Kashif Farooqui (Manager) has also been nominated as an accused in the present FIR. He further submits that the petitioner is a national level *Kabaddi* player, as is clear from Annexure P-4 and has a clean past and is not involved in any other case. He submits that petitioner is in custody since 14.06.2022. He further submits that investigation in the present case is complete; *Challan* has been presented; charges have been framed and out of total 17 prosecution witnesses none has been examined yet. Trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. *Per contra*, learned State counsel, while placing on record the additional affidavit dated 03.05.2023 of Mr. Davinder Singh, PPS, D.S.P., PBI, NDPS-cum-Narcotics, Malkerkotla and custody certificate, opposes the prayer for grant of regular bail to the petitioner and submits that the recovered contraband falls in the ambit of commercial quantity. However, he could not dispute that investigation in the present case is complete; *Challan* has been presented; charges have been framed; out of total 17 prosecution witnesses none has been examined yet and the petitioner is not involved in any other case and is in custody since

14.06.2022.

5. I have heard learned counsel for the parties and perused the record.

6. Keeping in view the peculiar facts and circumstances of this case; custody period of the petitioner which is 10 months and 22 dayss; investigation is complete; *Challan* has been presented; charges have been framed and out of 17 prosecution witnesses none has been examined and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court. 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.

7. At the time of release of the petitioner, concerned Station House Officer shall be informed. The petitioner shall furnish his mobile number to the SHO concerned, keep his mobile's location on and also appear in the concerned Police Station on every alternate Monday till the conclusion of the trial. 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 an application for cancellation of bail of the petitioner.

8. The petition stands disposed of accordingly.

May 03, 2023

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*