

**S. No.214**

**2023:PHHC:122795**

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

**\*\*\*\***

**CRM-M-55741 of 2022**

**Date of Decision:19.09.2023**

**Jarnail Singh alias Happy**

**.....Petitioner**

**Vs.**

**State of Punjab**

**.....Respondent**

**CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present:- Mr. Vipin Mahajan, Advocate for the petitioner.  
Mr. M.S. Nagra, AAG, Punjab.

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**DEEPAK GUPTA, J. (Oral)**

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.5 dated 14.01.2020 registered under Sections 21 and 22 of the NDPS Act at Police Station Sadar Gurdaspur, District Gurdaspur, Punjab.

As per allegations, 4000 intoxicant tablets containing the salt of “*Tramadol Hydrochloride*” were recovered from the possession of the petitioner.

Contention of learned counsel for the petitioner is that the petitioner has been falsely implicated, which will be evident from the fact that consent memo (Annexure P.2) does not bear the signature of the petitioner. Not only this, the said consent memo bears the FIR number, despite the fact that it was allegedly prepared prior to registration of the FIR.

In the status report by way of affidavit of Shri Sukhpal Singh, PPS, Deputy Superintendent of Police, City, District Gurdaspur, filed today, both the afore-said facts are duly admitted; though it is tried to be explained that signature of the petitioner on the consent memo could not be obtained inadvertently. However, learned State Counsel is unable to explain as to how the FIR

number has been mentioned in the consent memo, which was prepared prior to the sending of the ruqa to the Police Station and prior to the registration of the FIR.

Having regard to the afore-said facts and circumstances, but without commenting anything on the merits of the case and also considering the custody period of the petitioner, which is more than one year and one month, present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned.

September 19, 2023  
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( DEEPAK GUPTA )  
JUDGE

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |