

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-57031-2022
Date of Decision.:21.08.2023

Sher Singh @ Hardeep Singh
Vs.
State of Punjab

.....Petitioner
.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vivek Singla, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.43 dated 15.07.2022 registered under Sections 22, 61/85 of NDPS Act, 1985 registered at Police Station Bhadaur, District Barnala.

2. As per the allegations, 640 loose intoxicant tablets containing Tramadol Hydrochloride, were taken into possession from the petitioner and co-accused Satpal on 15.07.2022 when they were dividing the same in the verandah of cremation ground.

3. It is contended by learned counsel for the petitioner that petitioner has been falsely implicated as nobody would carry the contraband in transparent polythene bag so as to come in the notice of anybody else.

Learned counsel relied upon *Lakhveer Singh @ Lakha Versus State of*

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Punjab in CRM-M-7552-2023 decided by this Court on 22.05.2023

wherein reliance had been placed upon *Khushkaran Singh @ Khushi Versus State of Punjab decided by a co-ordinate Bench of this Court on 19.12.2022 in CRM-M-45237-2022* to contend that it is not possible to believe that a person, who has to commit an offence with regard to contraband would carry the same in a transparent polythene bag.

4. Custody certificate has been placed on record by learned State counsel reveals that petitioner in in custody for the last 01 year 01 month and 01 day with no criminal antecedents. The recovered quantity of contraband was found to be 258.9 gms which is a little above the commercial quantity of 250 gms.

5. As per learned State counsel, after completion of investigation challan has already been filed and charges have been framed but not even a single witness has been examined so far. Thus, trial is likely to take time to conclude.

6. Having regard the aforesaid facts and circumstances, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

August 21, 2023

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No