

CRM-M-18716-2024 and
CRM-M-7483-2024

-1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

212-2 cases

1. CRM-M-18716-2024
Date of decision:05.09.2024

PARMINDER SINGH ALIAS BABBU ... PETITIONER

V/S

STATE OF PUNJAB ... RESPONDENT

2. CRM-M-7483-2024

JASVEER SINGH ALIAS GHOSA ... PETITIONER

V/S

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. A.S. Sivia, Advocate for the petitioner
in CRM-M-18716-2024.

Mr. Surbhi Yadav, Advocate for
Mr. Gurpal Sandhu, Advocate for the petitioner
in CRM-M-7483-2024.

Mr. Anil Bansal, DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

1. This order shall dispose of the above mentioned petitions as both the
petitioners are accused in the same FIR and have approached this Court,
for the second time, by way of separate petitions under Section 439 of
Cr.P.C. for grant of regular bail in:-

CRM-M-18716-2024 and

CRM-M-7483-2024

-2-

FIR No.	Dated	Police Station	Sections
158	03.07.2022	City Muktsar Sahib Sri	22-C of the NDPS Act, 1985

2. For the sake of convenience, facts are being taken from CRM-M-18716-2024.
3. Case of the prosecution is that FIR, Annexure P-1, was registered when two hindu gentlemen were seen near a bridge and were found to be counting intoxicating tablets. They were apprehended on suspicion and after search, they were found to be in possession of 900 tablets of Clobedol-100 SR.
4. Counsel for the petitioner(s) submits that the petitioner has been falsely implicated and the prosecution story is highly improbable. He submits that the mandatory provisions of the NDPS Act have not been complied with at the time of alleged search and seizure. He submits that the petitioner is in custody since July, 2022 and the prosecution evidence is at an early stage. Therefore, the petitioner, who has a clean past, deserves to be enlarged on bail.
5. Per contra, learned State counsel, upon instructions, has opposed the petition. He has filed custody certificates of both the petitioners, which are taken on record and could not dispute that both of them are not involved in any other criminal case. As per his instructions, 02 out of 16 prosecution witnesses have been examined and 07 have been given up. He submits that the recovered tablets contained salt *Tramadol Hydrochloride* weighing 377 grams, which falls within the ambit of

CRM-M-18716-2024 and
CRM-M-7483-2024

-3-

- commercial quantity and bar under Section 37 of the NDPS Act will apply.
6.

I have heard counsel for the parties and considered their respective submissions.
7.

Hon'ble Supreme Court in *Dheeraj Kumar Shukla Versus The State of Uttar Pradesh 2023 SCC Online SC 918* has held that in the absence of criminal antecedents and considering the fact that accused have been in custody for more than two years, conditions under Section 37, *ibid*, can be dispensed with. Both the petitioners have been in detention for the last more than 24 months and the trial is at a nascent stage. Petitioners do not have any criminal antecedents and as the allegations against them would remain a subject matter of debate, this Court is of the view that they have made out a *prima facie* case for grant of concession of bail.
8.

Without adverting to the merits or de-merits of the arguments addressed by counsel for the parties, petitions are allowed. Petitioners are ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
9.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

05.09.2024
sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No