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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15411-2024
Date of Decision:- 31.07.2024

BABU SINGH ALIAS BABBU
Vs.Petitioner.

STATE OF PUNJAB ...Respondent

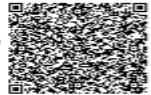
CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Ankit Joshi, Advocate and Mr. Rajwinder Singh, Advocate
for the petitioner.

Mr. Amandeep Singh, DAG, Punjab

AMARJOT BHATTI, J. (Oral)

1. Petitioner – Babu Singh @ Babbu has filed the instant first petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.62 dated 23.11.2023 under Sections 22 of NDPS Act, registered at Police Station Kotfatta, District Bathinda.
2. Facts of the case are that on 23.11.2023 SI Gurtej Singh and Police Party was, on patrol duty, going to village Mehta from village Gehri Devi Nagar via link road through village Katar Singh. At about 9.00 pm, police party seen a young boy sitting on motorcycle under a tree and there was a polythene bag containing narcotic tablet strips. The Investigating Officer seized the motorcycle bearing PB-45A-1377 and from the said polythene bag 100 strips each containing 10 tablets, total 1000 tablets of Clobidol-100SR, Tramadol Hydrochloride Tablets 100 mg were recovered.



On the basis of this recovery, present FIR was registered.

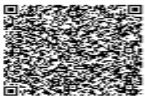
3. Learned counsel argued that he is falsely implicated in this case. He was never apprehended along with his motorcycle as alleged in the FIR. He has relied upon a CCTV footage in pen-drive (Annexure P-2) where his motorcycle was parked at his residence on the date and time when his wrongful arrest has been shown in the FIR. No recovery was effected from him. He is ready to abide by the terms of bail order. Therefore, his regular bail application may be allowed

4. Bail application is opposed by learned counsel representing State. Status report has been filed according to which after completion of investigation challan has been presented before Special Court, Bathinda on 24.01.2024. Chargesheet has been framed under Section 22C of NDPS Act and the case is fixed for prosecution evidence.

It is pointed out that petitioner has tried to create false defence that on 23.11.2023 at about 9 pm his motorcycle was parked at his house. Moreover, it is matter of defence. Considering the gravity of offence, he is not entitled to the concession of regular bail.

5. Apart from this, supplementary status report was also filed and report was also received from Forensic Science Laboratory regarding CCTV footage in a pen-drive relied upon by the petitioner. As per this report, no definite opinion could be given regarding pen-drive in the absence of original source of recording.

6. I have considered the arguments and have gone through the record. As per the facts, it is a case of recovery of contraband falling in commercial quantity. Challan has been presented and after framing of chargesheet, case is fixed for prosecution evidence. Facts alleged in the



petition regarding his defence can be appreciated during the course of trial. Therefore, considering stringent provisions of Section 37 of NDPS Act, I do not find a fit case for grant of regular bail and same is accordingly declined.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

31.07.2024
snd

(AMARJOT BHATTI)
JUDGE

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