



In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-25111-2024 (O&M)
Date of Decision:- 28.11.2024

Harmeet Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Krishan Sharma, Advocate, for the petitioner.
Mr. Japjot Singh, AAG, Punjab.

FIR NO.	DATE	POLICE STATION	OFFENCES
11	11.01.2024	Dharamkot, District Moga	22/25/61/65 of NDPS Act

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. As per the case of prosecution, on 11.01.2024 when a police party headed by SI Balwinder Singh was patrolling in the area of Police Station Dharamkot so as to conduct checking, then one Bolero Camper bearing registration No.PB-04AC-7037 was signalled to stop. However, driver of the said vehicle instead of stopping the vehicle tried to take a U-turn, but could not negotiate the U-turn and the engine of the vehicle stopped. It is alleged that the driver of the



vehicle took out a black coloured polythene bag from his shirt's pocket and threw the same near his foot and 4 peach coloured tablets spilled out of the same. Both the occupants of the vehicle were apprehended. The driver disclosed his name as Kulwinder @ Kinda while the passenger sitting on the front seat disclosed his name as Harmeet Singh (petitioner). The polythene bag thrown by driver Kulwinder was found to contain 25 loose tablets which upon analysis were found to contain 'Etizolam' total weighing 2.62 grams.

3. Short reply by way of affidavit of Mr. Ramandeep Singh, Deputy Superintendent of Police, Dharamkot, District Moga has been filed. The same is taken on record. A copy of the short reply has been furnished to learned counsel opposite.
4. Learned counsel for the petitioner submits that he has falsely been implicated in the present case and that even if all the allegations as levelled by the prosecution are taken to be correct, still the petitioner cannot be attributed any conscious possession of the contraband which the co-accused was carrying in his pocket.
5. Opposing the petition, learned State counsel submitted that having regard to the fact that both the persons were travelling together in the same vehicle and 25 tablets containing Etizolam were recovered from co-accused, complicity of the petitioner is clearly evident. Learned State counsel has informed that the petitioner as on date has been



behind bars since the last 10 months and 15 days and otherwise has a clean record.

6. This Court has considered rival submissions addressed before this Court.
7. It is not in dispute that 25 tablets kept in a polythene bag were thrown by co-accused Kulwinder upon noticing the police. As a matter of fact it is the co-accused who suddenly tried to take a U-turn of the vehicle when the police signaled to stop. The petitioner was sitting on front passenger seat and no contraband is alleged to have been recovered from his personal search. Under these circumstances, particularly when the petitioner has a clean record, it will be debatable as to whether the petitioner can also be attributed conscious possession of the recovered contraband from the shirt’s pocket of the co-accused. The petitioner in any case has been behind bars for a substantial period of 10 months and 15 days. Under these circumstances, particularly when the petitioner has a clean record, further detention would not be justified. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

28.11.2024
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No