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

CRM-M-4946-2025

Date of decision : 03.03.2025

Satinder Singh @ Shinda

....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sukhcharan Singh Gill, Advocate
for the petitioner.

Mr. J.S. Arora, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.189 dated 29.06.2023, under Sections 22/29/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Rama Mandi, District Jalandhar.

2. Succinctly the facts of the case are that the Police party while on patrolling on 29.06.2023 saw a young person coming on foot from Kaji Mandi side. On seeing the police, he got perplexed and started turning back. On suspicion, he was stopped and on asking he disclosed his name as Satinder Singh @ Jinda. He was carrying a black envelope in his right pocket of the pant. On suspicion, he was given an offer to be searched and on being searched 400 narcotic pills were recovered from the black envelope which he was carrying in his right pocket of the pant. He failed to produce any license regarding possession of the same and hence the FIR was registered and the petitioner was arrested on spot. The investigation commenced and samples taken from the contraband were sent to FSL. The petitioner approached the Learned Judge, Special Court,



Jalandhar praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge, Special Court, Jalandhar vide order dated 07.10.2024. Aggrieved by the same, the petitioner approached this Court praying for grant of bail by way of filing of CRM-M-45973-2023 and CRM-M-20694-2024 and both petitions were dismissed as withdrawn vide orders dated 15.02.2024 and 30.07.2024, respectively. Hence, the petitioner is before this Court by way of filing of present third petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agency. He submits that as per case of the prosecution, the envelope from which the tablets have been allegedly recovered, was taken out from the right pocket of his pant and thus, the alleged recovery was made from the person of the petitioner. He submits that the compliance of Section 50 of NDPS Act, was mandatory, however, there is a violation of the same as well. He submits that as per FSL, the total weight of the tablets recovered was found to be 50.4 grams of Alprazolam, which is a non-commercial quantity and hence, provisions under Section 37 of NDPS Act are not attracted. He further submits that the co-accused of the petitioner, is already on bail granted by this Court. He submits that till date the trial is not concluded and in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the petitioner was arrested after due compliance of Section 50 of the NDPS

Act. He submits that the petitioner is involved in 03 more cases of the similar nature, however, he is on bail in those cases.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested in the present case on 29.06.2023. The alleged recovery effected from the petitioner was found to be 50.4 grams of Alprazolam, which is a non-commercial quantity and thus, the provisions of Section 37 of the NDPS Act, are not attracted. The co-accused of the petitioner, admittedly is on bail and out of total 10 prosecution witnesses 02 witnesses still remains to be examined.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

03.03.2025
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(RAJESH BHARDWAJ)
JUDGE

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