



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

CRM-M-36524-2023 (O&M)

Date of decision : 24.02.2025

Rajinder Pal

....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. P.S. Khurana, 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.84 dated 29.05.2023, under Sections 22-C/29/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sirhind, District Fatehgarh Sahib.

2. Succinctly the facts of the case are that 29.05.2023, the police party while on patrolling spotted a Swift Dezire car. On suspicion the same was stopped. The driver of the vehicle, on asking, disclosed his name as Rohit S/o Ramdeen. An offer was given to search the vehicle and on conducting the search 12600 tablets of Alprazolam, 7000 tablets of Tramadol and currency notes of Rs.7 lac were recovered. He failed to produce any licence for possession of the contraband and thus, FIR was registered and the petitioner was arrested on the spot. Investigation commenced and samples were taken and sent to the Forensic Science Laboratory. During investigation, the disclosure statement of co-accused, namely, Rohit was recorded, who disclosed about the petitioner and one Tejinder Pal and thus, they were also arrayed as an accused. Hence, the petitioner was arrested on 20.05.2023. From the petitioner, 400 tablets of Tramadol were recovered. The petitioner approached the Learned Judge, Special Court, Fatehgarh Sahib praying for grant of bail, however, finding



no merit, the same was declined after hearing both the sides by Learned Judge, Special Judge, Fatehgarh Sahib vide her order dated 12.07.2023. Aggrieved by the same, the petitioner approached this Court praying for grant of bail.

3. Learned counsel for the petitioner has contended that neither the petitioner was named in the FIR nor any recovery has been made from him. However, during investigation the petitioner has been arrayed as an accused on the basis of disclosure statement made by the co-accused, namely, Rohit. He submits that from the petitioner the alleged recovery of 400 tablets of Tramadol were recovered. It is submitted that there is violation of provisions of Section 50 of the NDPS Act. To buttress his arguments, he has submitted that the co-accused, namely, Tejinder Pal, from whom 700 tablets were allegedly recovered, has already been enlarged on bail by this Court vide order dated 06.03.2024 passed in CRM-M-10682-2024. It is submitted that the petitioner has no criminal antecedents as he has never been involved in any other case of similar nature. He thus, submits that the petitioner is behind bars since 30.05.2023 and in the facts and circumstances of the case he deserves to be granted bail.

4. Learned State counsel has opposed the submissions made by learned counsel for the petitioner. He submits that from the petitioner 400 tablets of Tramadol were recovered. He does not dispute that co-accused, namely, Tejinder Pal, from whom 700 tablets of Tramadol were recovered, has already been enlarged on bail. He has produced the custody certificate of the petitioner in the Court. He submits that out of total 35 prosecution witnesses, only 01 witness has been examined so far.

5. After hearing counsel for the parties and perusing the record,



it is deciphered that the petitioner is behind bars since 30.05.2023. He has been arrayed as an accused in the present case on the basis of disclosure statement made by co-accused. Co-accused, namely, Tejinder Pal, who was also arrayed as an accused on the basis of disclosure statement has already been enlarged on bail by this Court vide order dated 06.03.2024. It is an admitted fact of the case that from the co-accused, 700 tablets of Tramadol were recovered, whereas from the petitioner, 400 tablets of Tramadol were recovered. Out of total 35 prosecution witnesses, only 01 has been examined so far. However, the custody certificate would show that he has completed incarceration of 01 year, 08 months and 20 days as on 22.02.2025. It further reflects that no other case is pending against the petitioner.

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.

24.02.2025
ps-I

(RAJESH BHARDWAJ)
JUDGE

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