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

CRM-M-20596-2024

Date of decision:-26.03.2025

RAJWINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. I.S. Dhaliwal, Advocate for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed reply by way of an affidavit dated 25.03.2025 of Deputy Superintendent of Police, Sub Division Gidderbaha, District Sri Muktsar Sahib, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Criminal Procedure Code, for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
36	22.04.2023	22 (C) of NDPS, Act	Kot Bhai, District Sri Muktsar Sahib

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner is in custody since 22.04.2023 and the petitioner



has no concern with the alleged recovery. He contends that the accused are alleged to have been seen handling the contraband, does not stand to reason at all in as much as the total weight of the recovered contraband is 874.25 grams, as such would not require two persons to carry it. He contends that similarly situated co-accused Jaskaran Singh has since been granted concession of regular bail by Co-ordinate Bench of this Court vide order dated 19.03.2024 (Annexure P-3) passed in in CRM-M-64276-2023. He contends that after completion of investigation challan has already been presented in Court, wherein prosecution has cited 24 witnesses and till date only 1 witness has been examined and 5 other witnesses have been given up, as such, conclusion of trial will take sufficient long to conclude. Hence prayed for grant of concession of regular bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State, has opposed the bail petition by submitting that the petitioner is indulging in narcotics, as such he is not entitled to concession of bail. However, he has not disputed the factual matrix with regard to the parity claimed by the petitioner with co-accused Jaskaran Singh who has since been granted concession of regular bail vide order dated 19.03.2024 (Annexure P-3).

6. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered to the effect that during the course of patrolling three persons were seen near a parked motorcycle and were carrying a plastic bag. Co-accused Lovepreet Singh was seen holding the plastic bag with his right hand while Rajwinder Singh was holding the other end of the bag with his hands and Jaskaran Singh is alleged to be



searching the bag. All the accused were apprehended by the police and the polythene bag carried by them was found containing 2350 tablets of 'Tramadol'. Admittedly the alleged recovery effected from the accused weighing 874.25 grams. In case of recovery of contraband jointly from several persons, conscious possession can be attributed to all such persons, but in the present case, it is doubtful, especially, the manner in which the polythene bag is stated to have been handled by the accused at the time when they were spotted by the police. Admittedly, similarly situated co-accused Jaskaran Singh has since been granted concession of regular bail by Coordinate Bench of this Court vide order dated 19.03.2024 (Annexure P-3) passed in in CRM-M-64276-2023 and the petitioner was arrested on 22.04.2023, since then he is custody, after completion of investigation, challan has already been presented in Court, wherein prosecution has cited 24 witnesses and till date only 1 witness has been examined and 5 other witnesses have give up, as such the conclusion of trial to ascertain criminal liability, if any will take sufficient long time, no purpose would be served by detaining the petitioner any longer.

7. Resultantly, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. It is further made clear that in case the petitioner is found



involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

10. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

26.03.2025

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No