

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

CRM-M-14534-2021

Date of decision : 30.04.2021

Saketter Singh

..Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN**

Present: Mr. Rajesh Lamba, Advocate  
for the petitioner.

Mr. Raman Kumar Sharma, Additional Advocate General,  
Haryana.

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**JITENDRA CHAUHAN, J. (Oral)**

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

This is second petition preferred under Section 439 Cr.P.C. seeking bail in FIR No. 78 dated 24.02.2020, registered under Section 22 (c) of the Narcotic Drugs Psychotropic Substances Act, 1985 at Police Station Sadar Fatehabad, District Fatehabad.

Learned counsel for the petitioner states that the recovery of the contraband was effected from the polythene bag allegedly carried by the petitioner on the tank of the motorcycle. As per case of the prosecution, 100 strips of PARVORIN-SPAS capsules (636 grams Tramadol) were allegedly recovered. The strips do not carry the batch number. The issue of the contraband not having batch number, would be a relevant and crucial point

for discussion before the learned trial Court. The petitioner was allowed

interim bail vide order dated 11.09.2020 passed by this Court for awaiting report of FSL. After the report was in affirmative, the petitioner had surrendered before the authorities in time and did not misuse the concession granted to him. He further states that recovery in the manner projected by the prosecution is highly doubtful.

On the other hand, learned State counsel opposes the instant petition and states that during the investigation, the petitioner had made a disclosure statement that he had procured the substance from one Dr. Lakshman son of Mitha Ram, resident of village Hijrawan Kalan. He further states that the petitioner was convicted in FIR No. 241 dated 17.12.2000 registered under Sections 3, 4 and 7 of the Prohibition Act, 1986 at Police Station City Sirsa. However, he admits the factum that the petitioner did not misuse the concession of interim bail dated 11.09.2020 passed by this Court and the investigation qua the source of the contraband is still going on and the challan has not yet been filed in the Court.

Heard.

Considering the manner of recovery and the fact that the investigation with regard to the source is still going on and the challan has not been filed so far, coupled with the fact that the petitioner has suffered incarceration prior to his admission on interim bail vide order dated 11.09.2020 passed by this Court, and the fact that the petitioner did not misuse the concession of interim bail, this Court is inclined to accept the prayer of the petitioner.

Without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the

trial, on furnishing indemnity bond in the sum of Rs. 1 lakh with two local sureties in the like amount to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned. The petitioner shall also surrender his passport, if any, held by him. This order shall remain in subsistence till the filing of the challan.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

**30.04.2021**  
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**(JITENDRA CHAUHAN)**  
**JUDGE**

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