

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7452-2016 (O&M)

Date of Decision: August 23, 2016

Tarwinder Singh Tally

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr.T.S.Sekhon, Advocate
for the petitioner.

Ms.Reeta Kohli, Addl.AG, Punjab with
Mr.Hanspal Virk, AAG, Punjab.

.....

SURYA KANT, J.

In compliance to the order dated 16.08.2016 affidavit of Ishwar Singh, IPS, IGP-cum-Director, Punjab State Narcotics Control Bureau-cum-Member, Supervisory-cum-Special Investigation Team filed by learned State counsel counsel is taken on record.

Petitioner seeks his enlargement on bail in FIR No.50, dated 03.04.2013 under Sections 18, 21, 22, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the 1985 Act'), 25/54/59 of the Arms Act, and 489 IPC, registered at Police Station Urban Estate, Patiala, District Patiala.

The FIR was registered on the basis of secret information

received by patrolling party to the effect that some bad elements were involved in supply of contraband and other synthetic drugs to the students of college, Universities and other institutes and are, thus spoiling the youth of Punjab. After registration of FIR raids were conducted and in the process of interrogation of some of the co-accused, name of the petitioner appears to have figured.

It may be mentioned here that the petitioner was already in custody since 03.04.2013 in the case FIR No.38 dated 01.04.2013 registered under Sections 302, 307, 392, 353, 186 and 34 IPC at Police Station Sadar, Phagwara. He was brought on production warrant and arrested in this case on 20.04.2015. Obviously, no recovery of any Narcotic Drugs and Psychotropic Substance was effected from him.

Special Investigation Team comprising three IPS Officers in the rank of Inspector General of Police constituted vide order dated 07.10.2015 passed in CWP-88-2014 (**Jagjit Singh Chahal vs State of Punjab and others**) revisited the investigation already carried out and based upon its report, a supplementary challan has been presented exonerating the petitioner of the allegations.

In view of the said report but without expressing any view on merits as the decision on supplementary challan is yet to be taken by the Court of competent jurisdiction, we are satisfied that as the rigours of Section 37(1)(b) of the 1985 Act are not attracted in the instant case, the petitioner deserves the concession of bail.

The present petition is thus allowed. Petitioner-Tarwinder Singh Tally is ordered to be released on bail in the present case on furnishing bail bonds to the satisfaction of concerned CJM/Duty Magistrate.

(SURYA KANT)
JUDGE

August 23, 2016
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(SUDIP AHLUWALIA)
JUDGE

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