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

**CRM-M No15475 of 2017
Date of Decision: 19.05.2017**

Gurbhej Singh @ Bheja

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. K.S. Dhaliwal, Advocate
for the petitioner.

Ms. Rimplejeet Kaur, AAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

It has been repeatedly experienced by this Court that despite specific orders passed on record, Investigating Officer of some criminal cases belonging to State of Punjab are not attending the Court proceedings. In CRM-M No.13429 of 2017, the factual position has already been noticed and communication has been sent to Director General of Police. In CRM-M No.12172 of 2017, even a direction has been issued to Senior Superintendent of Police, Patiala to remain present in the Court to explain administrative exigency in respect of Investigating Officer, not appearing in the Court.

In this case, despite specific order dated 09.05.2017, the Investigating Officer has not turned up to assist the State counsel. The person deputed on his behalf is not in a position to assist the Court.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.18 dated 09.11.2016, registered under Sections 21/25/29 of the NDPS Act at Police Station SSOC, Amritsar.

FIR was registered on the basis of secret information. Accused Abhishek Chetal was apprehended with 500 grams of heroin along with an amount of Rs.39,73,000/- in cash. Petitioner was not named in the FIR. Petitioner was arrested on the basis of disclosure statement of Abhishek Chetal on 12.11.2016. Petitioner was sent to judicial custody on 13.11.2016. No recovery was effected from him. The allegations are of conspiracy in committing the offence, which would be subject to ultimate analysis of material collected by the police. Petitioner is in custody since 13.11.2016.

Learned State counsel despite no assistance from the investigating agency, very vehemently and earnestly submitted that the petitioner is involved in a narcotic trade and is also in custody in another case bearing FIR No.15 dated 26.10.2016 registered under Sections 18/21/29/61/85 NDPS Act at Police

Station SSOC, Amritsar. The alleged complicity of the petitioner is on the basis of disclosure statement of the co-accused.

At this stage, without embarking on merits of the case, I deem it appropriate to enlarge the petitioner on regular bail subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

May 19, 2017.

(RAJ MOHAN SINGH)
JUDGE

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No