

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

Hemlata
2017.12.12 12:32
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CRM-M-46091-2017(O&M)

Date of decision: 11.12.2017

Jatinder Singh @ Babbu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ashok Goel, Advocate, for the petitioner.

Mr. A.S.Gill, Sr. DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

This is a petition under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.94, dated 11.05.2017, under Sections 15, 61, 85 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 NDPS Act added later on), registered at Police Station Sadar, District Patiala.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 11.05.2017 and he is not involved in any other case. He further submits that as per allegation in the FIR, before effecting the alleged recovery though an offer was given to be a searched in the presence of Magistrate or some Gazetted Officer, however none of them were called and the consent of the petitioner was taken that the ASI/Investigating Officer can conduct the investigation. It is also submitted that co-accused, namely, Gurvir Singh has already been granted concession of regular bail, vide order dated 01.11.2017 passed in CRM-M-39446 of 2017 and similarly, other co-accused, Punjab Singh, from whose car the recovery was made has been granted anticipatory bail vide order dated 24.05.2017 passed in CRM-M-18797-2017 and the said order was confirmed on 31.05.2017. Learned counsel for the petitioner has further

submitted that another co-accused Sukha Singh has been kept in column No.2 by the police.

Learned State counsel, on instructions from HC Major Singh, submits that challan has already been presented and out of 12 prosecution witnesses, no one has been examined.

Without commenting upon the merits of the case, the present petition is allowed. Petitioner is directed to be released on regular bail subject to his furnishing bail /surety bonds to the satisfaction of the trial Court/ Illaqa Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case or found misusing concession of bail.

(ARVIND SINGH SANGWAN)
JUDGE

11.12.2017
Hemlata

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