

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

**CRM-M-21971-2018
Date of decision: 10.12.2018**

Baljit Singh**...Petitioner**

Versus

State of Haryana**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. S. M. Sharma, Advocate for
Mr. L. S. Lakhanpal, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 519 dated 04.12.2017, registered under Section 21 of the Narcotic Drugs & Psychotropic Substances Act (*for short 'NDPS Act'*), at Police Station Ambala City, District Ambala.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police stopped Maruti car, being driven by the petitioner, and thereafter, without following the procedure, prescribed under Section 50 of the NDPS Act, conducted the search and recovered 316 injections of **OMGESIC** (Buprenorphine Injection 2 ML) and 316 injections of **AVIL** (Pheniramine Maleate 10 ML).

Learned counsel for the petitioner further submits that even no second Investigating Officer was involved in the investigation and the entire recovery as well as investigation was done by the same Investigating

Officer SI Satya Narain, therefore, it will be a debatable issue whether the judgment rendered by Hon'ble Supreme Court in ***Mohan Lal vs. State of Punjab, 2018 (3) Law Herald (P&H) 2397 (SC)*** will be applicable to the present case or not.

Learned counsel for the petitioner further submits that petitioner is in judicial custody for last more than one year and conclusion of the trial is likely to take some time as till date, even charges have not been framed.

Learned State counsel has filed custody certificate and has not disputed the factual position. However, as per custody certificate, the petitioner is involved in one more FIR under the NDPS Act in which, he is on bail and in the present FIR, he is in custody for the last 01 year and 03 days.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in custody for the last 01 year and 03 days; trial is likely is likely to take some time as till date, even charges have not been framed and also in view of the judgment rendered in ***Mohan Lal's case (supra)***; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

December 10, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No