

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

CRM-M-22407-2018 (O&M)

Date of decision: 15.10.2018

Amarjit Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ashish Aggarwal, Advocate
for the applicants-petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

CRM-35225-2018

Prayer in this application is for adding the offence under Section 30 of the NDPS Act and deleting the offence under Section 21 of the NDPS Act in the headnote and prayer clause of the petition in view of the final report presented before the Court.

For the reasons stated in the application, the same is allowed.

Registry is directed to make the necessary corrections.

CRM-M-22407-2018

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners in case FIR No. 9 dated 29.03.2018, under Sections 23, 28, 29, 30 of the NDPS Act (Section 30 of the NDPS Act added and Section 21 of the NDPS Act deleted subsequently), registered at Police Station SSOC, District Fazilka.

Learned counsel for the petitioners submits that FIR in question was registered on the basis of a secret information that the petitioners, along

with two other co-accused, namely Bohar Singh and Satpal Singh, are involved in smuggling of narcotic substances and if a raid is conducted, the same can be recovered.

Learned counsel for the petitioners further submits that in fact subsequent to the apprehension of the petitioners, no contraband was recovered from the petitioners and co-accused of the petitioners have already been granted concession of anticipatory bail vide order dated 20.07.2018, passed by this Court in CRM-M-27842-2018.

Learned counsel for the petitioners further submits that on the disclosure of the petitioners, some currency were recovered and the petitioners had no previous record of involvement in any other criminal case.

Learned State counsel, on instructions from ASI Balkaran Singh, has not disputed the factual position and submitted that Section 21 of the NDPS Act has been deleted.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that the petitioners are not involved in any other case; no contraband was recovered from them and also considering the fact that they are in judicial custody since 29.03.2018 and the trial is likely to take a long time, the instant petition is allowed. Petitioners Amarjit Singh and Prabhjit Singh are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

October 15, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*