

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23217-2018

Date of decision: 17.07.2018

Sukhwinder Singh @ Jindi

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.S. Bajwa, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.142 dated 31.05.2014 under Sections 21, 22, 61, 85 of NDPS Act, registered at Police Station Jandiala Guru, District Amritsar Rural.

Learned counsel for the petitioner submits that after registration of the FIR, the petitioner was granted interim bail from 02.09.2014 till 03.02.2018 and in the intervening period, he has not misused the concession of bail and is not involved in any other case. It is further submitted that there is non-compliance of Section 50 of the NDPS Act and even sample was not drawn in presence of the Magistrate. Counsel for the petitioner further submits that the petitioner is in judicial custody for the last 08 months and 13 days and till date, no prosecution witness has been examined.

Learned State counsel, on instructions from ASI Sarabjit Singh,

has not disputed the factual position.

Without commenting anything on merits of the case, considering the fact that the petitioner remained on interim bail for a considerable long time and has not misused the same and it is a debatable issue whether the provisions of Sections 50 & 52 of NDPS Act are complied with or not; the petitioner is not involved in any other case and till date, no prosecution witness has been examined, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

17.07.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No