

S.No.211

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

CRM-M-23585 of 2018 (O&M)

Date of Decision:24.09.2018

Hardeep Singh alias DeepaPetitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. B.K. Mehta, Advocate
for the petitioner.
Mr. K.S. Aulakh, DAG, Punjab.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.88 dated 22.06.2017 registered under Sections 21/22 of Narcotic Drugs and Psychotropic Substance Act, 1985 at Police Station Balachour, District Shaheed Bhagat Singh Nagar.

Counsel for the petitioner contends that recovery from the petitioner is of non-commercial quantity. He relies upon a judgment of this Court in **CRM-M-35080 of 2018 – Rajvir Singh @ Raju v. State of Punjab** decided on 21.08.2018 to support his contention. It is further contended that in this case, the Investigating Officer and the complainant happens to be the same person. Requirement of Section 50 of NDPS Act has not been complied with. The petitioner is in custody since 26.06.2017 and the prosecution evidence has not even started. Therefore, it is submitted that the petitioner is not required for any investigation purposes.

On the other hand, counsel for the State, being instructed by ASI Nirmal Singh, does not dispute the fact that the petitioner is in custody

since 26.06.2017 and that no witness has been examined so far. However, it is pointed out that there are other cases against the petitioner, including the one more case under NDPS Act.

In response to this, counsel for the petitioner submits that the application filed by petitioner for bail in case under NDPS Act is already pending. In the cases under IPC, the petitioner has already been acquitted.

In view of the above submissions made by counsel for the petitioner, the present petition is allowed. It is ordered that the petitioner be released on bail pending trial on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

September 24, 2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No