

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

**CRM-M-39228-2018
Date of decision: 09.10.2018**

Sunil Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ahok Kumar Khunger, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

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. 119 dated 14.11.2017, registered under Section 22/61/85 of the Narcotic Drugs & Psychotropic Substances Act at Police Station Bahavwala, District Fazilka.

Learned counsel for the petitioner submits that the FIR was registered on the basis of a secret information that the petitioner, along with one Ramesh Kumar, is indulging in selling of the intoxicant tablets and when the raid was conducted, the petitioner was apprehended, however, co-accused Ramesh Kumar @ Kalu fled away. Learned counsel for the petitioner further submits that no notice under Section 50 of the NDPS Act was given to the petitioner despite the fact that the FIR was registered on a secret information and the Investigating Officer had sufficient time to do the same and even no second Investigating Officer was called as the entire investigation was done by ASI Balbir Singh who received the secret

information; sent information to the police station as well as conducted the investigation at the spot.

Learned counsel for the petitioner further submits that co-accused of the petitioner, i.e. aforesaid Ramesh Kumar, has already been granted concession of regular bail by this Court, vide order dated 11.07.2018 passed in CRM-M-19219-2018. It is also submitted that petitioner is in judicial custody since 14.11.2017 and it will take a long time in conclusion of the trial as only one prosecution witness has been examined so far. It is also submitted that petitioner is not involved in any other case.

Learned State counsel, on instructions from ASI Iqbal Singh, has not disputed the factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that the petitioner is a first offender; is not involved in any other case; is in custody since 14.11.2017; no notice under Section 50 of the NDPS Act was given to him despite the fact that FIR was registered on a secret information and also in view of the fact that conclusion of the trial is likely to take a long time as only one prosecution witness has been examined so far; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surty bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqua Magistrate, concerned.

October 09, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*