

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

CRM-M-5819-2019

Date of Decision: 19.09.2019

Lakhvir Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM : HON'BLE MS. JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Sunil Rana, Advocate
for the petitioner.

Mr. J.S. Ghuman, D.A.G. Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail in case FIR No.118 dated 07.09.2018 under Section 22 NDPS, Act, 1985 registered at Police Station Bassi Pathana, District Fatehgarh Sahib.

Learned counsel for the petitioner submits that as per the allegation in the FIR, the policy party apprehended the appellant on suspicion. Thereafter, the investigating officer gave a notice to be searched before the Gazetted officer or illaqa Magistrate and as per the consent given by the appellant, Deputy Superintendent of Police was called at the spot and thereafter from the personal search of the petitioner 25 injections of Buprenorphine and 24 injections of Pheniramine Maleate were recovered.

Learned counsel for the petitioner submits that the petitioner is in custody for the last one year and he stands acquitted in two other cases.

Learned State counsel on instruction from ASI Sikander Singh has placed on record the custody certificate. As per the custody certificate, the petitioner is in custody for the last more than one year and out of 10 prosecution witnesses, only two have been examined.

Without commenting anything on the merits of the case and considering the fact that the petitioner is in custody for the last more than one year, this petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

19.09.2019	(ARVIND SINGH SANGWAN)
rajeev	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No