

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

CRM-M-8617-2019
Date of decision: 11.03.2019

Pawan Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Gaurav Singla, Advocate &
Mr. Sanjiv Gupta, 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. 50 dated 10.04.2017, registered under Sections 21/22/25/61/85 of the Narcotic Drugs & Psychotropic Substances Act at Police Station Sidhwan Bet, Tehsil and District Ludhiana (Rural).

Learned counsel for the petitioner submits that on an earlier occasion also, the petitioner was involved in an FIR bearing No. 7 dated 13.01.2017 under Section 18 of the NDPS Act, registered in the same police station, however, the petitioner was granted anticipatory bail and now the petitioner has falsely been implicated in the present FIR.

Learned counsel for the petitioner further submits that in the present FIR, on 21.07.2017, the petitioner was granted interim bail by the

trial Court, awaiting the FSL report and thereafter, when the FSL report was received, he could not appear before the trial Court and moved an application for grant of anticipatory bail, in which, a direction was given to the petitioner to surrender before the trial Court and the trial Court, vide order dated 14.02.2019, has dismissed the regular bail application of the petitioner.

Learned counsel for the petitioner further submits that as per the allegations in the present FIR, the entire investigation was conducted by the same investigating officer and in reply to the notice served under Section 50 of the NDPS Act, after taking the consent of the petitioner wherein petitioner reposed confidence in the same investigating officer, even the subsequent investigation was conducted by the same investigating officer.

It is further submitted that the petitioner has surrendered before the trial Court in compliance to the order dated 29.01.2019 passed by this Court in CRM-M-3982-2019.

Learned State counsel, on the basis of the custody certificate; the affidavit of the Investigating Officer and on instructions from ASI Nirmal Singh, has not disputed the factual position. It is also not disputed that in FIR No. 7, which relates to the same police station, the petitioner was granted anticipatory bail as the recovery was of small quantity.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that FSL report has now been received and the petitioner is in judicial custody since 11.02.2019 and the trial is likely to take a long time,

the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

March 11, 2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No