

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

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**C.R.M-M No.9493 of 2019
Date of Decision : 06.03.2019**

Harpreet Singh @ Happy

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Veneet Sharma, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, D.A.G., Punjab.

AJAY TEWARI, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.223 dated 19.11.2018 registered under Section 21 of the N.D.P.S. Act, 1985 at Police Station Sadar, Amritsar City, District Amritsar.

As per the FIR, when the Assistant Sub Inspector (ASI) alongwith other police officials was going on patrol duty, two persons riding a motor-cycle were seen. On seeing the police officials, they turned and tried to flee but the motor-cycle fell down. On being apprehended, they gave their names. As per the FIR, the ASI alongwith other police officials conducted personal search of the two persons (admittedly without making any offer). Thereafter, he checked the motor-cycle from the dicky of which 270 gms.of heroine was recovered.

The precise argument of the counsel for the petitioner is that this ASI has acted completely in illegal manner in first conducting their personal search without making any offer and without informing any senior officer and has thereafter proceeded to book the petitioner under the draconian NDPS Act. However, the antecedents of the petitioner are absolutely clean.

Custody certificate filed in Court dated 06.03.2019 by way of affidavit of Rajiv Kumar Arora, Deputy Superintendent, Central Jail, Amritsar is taken on record. As per the custody certificate, the petitioner has undergone 03 months and 09 days of custody.

On instructions from ASI Davinder Pal Singh, the learned DAG has accepted the fact that antecedents of the petitioner are clean and no other FIR is pending against him.

Keeping in view the entire conspectus of facts and the period of incarceration already suffered by the petitioner, without going into the merits of the case, I deem it appropriate to grant regular bail to the petitioner. Ordered accordingly. Bail to the satisfaction of the trial Court/Duty Magistrate.

Petition stands allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

March 06, 2019
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No