

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

CRM-M-14065-2019
Date of decision: 09.07.2019

Manpreet Singh @ Joga

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. A. S. Brar, Advocate
for the petitioner.

Mr. Jagmohan Ghuman, 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. 93 dated 12.09.2017, registered under Section 22 of the NDPS Act, 1985 at Police Station Mehna, District Moga.

Learned counsel for the petitioner submits that the petitioner was granted interim bail awaiting the FSL report and thereafter, on receiving the said report, the petitioner is in judicial custody since 09.08.2018. It is further submitted that petitioner is not involved in any other case under the NDPS Act and out of total 12 prosecution witnesses, 04 have been examined so far and it will take a long time in conclusion of the trial.

Learned counsel for the petitioner further submits that as per the allegations in the FIR, complainant/ASI Gulzar Singh, on apprehension, stopped a car, which was being driven by the petitioner and thereafter, the petitioner was served with a notice that the complainant has suspicion that

he is carrying some intoxicant material and he has a right to be searched either before the Gaetted officer or before a Magistrate. Thereafter, when the petitioner reposed confidence on the complainant, he himself concuted the search of the car as well as personal search of the petitioner and even completed the further investigation without calling a second investigating officer at the spot.

Learned State counsel, on instructions from ASI Harjinder Singh, could not dispute the factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that petitioner is in judicial custody since 09.08.2018; he is not involved in any other case under the NDPS Act and also in view of the fact that trial is likely to take a long time to conclude, 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.

09.07.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No