

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28222-2018

Date of decision: 19.08.2019

Rajpal Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.59 dated 18.05.2018 under Sections 15/61/85 of NDPS Act, registered at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

Learned counsel for the petitioner submits that as per allegations in the FIR, on 18.05.2018, police party headed by ASI Gurmail Singh, stopped a car, on suspicion and the driver disclosed his name as Rajpal Singh (petitioner). Other occupant of the car, sitting on the front seat, was Kulwant Singh and on the rear seat, Baljit Singh @ Billa @ Nikka was sitting. The Investigating Officer gave them an option to be searched before a Magistrate or a Gazetted Officer, to which all the three persons reposed confidence on him and thereafter, search of the car was conducted and on the back seat, a plastic bag was found, from which 15 kg of poppy husk was recovered. It is further

submitted that it will be a debatable issue whether provisions of Section 50 of NDPS Act were properly complied with and in the absence of second Investigating Officer, whether the investigation was properly conducted or not. Learned counsel further submits that recovery is of non-commercial quantity; petitioner is in custody for the last 01 year and 03 months and out of total 18 PWs, only 02 have been examined so far.

Learned State counsel, on instructions from ASI Iqbal Singh, has however submitted that the petitioner is involved in three more FIRs; two under the NDPS Act, in which recovery is of 20 kg & 6 kg of poppy husk respectively and one FIR under Sections 324, 325, 506 IPC and in all three FIRs, he is on bail.

Without commenting anything on merits of the case, considering the submissions made by learned counsel for the parties and also considering the long custody of the petitioner and the fact that recovery is of non-commercial quantity, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

19.08.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No