

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-16169-2019

Date of decision: 08.07.2019

Gurpal Singh

... Petitioner

Vs.

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present: Mr. Gautam Dutt, Advocate  
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

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**ARVIND SINGH SANGWAN, J. (ORAL)**

Prayer in this petition is for grant of regular bail in FIR No.0094 dated 26.09.2018 under Sections 22/61/85 of NDPS Act, registered at Police Station Banur, District Patiala.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police, while checking the vehicles, stopped a Maruti Car bearing registration No.PB-32Q-0670, in which two persons were sitting. Complainant ASI Mohan Singh, on suspicion, apprehended the person, who was driving the car i.e. the petitioner, whereas another accused, who was sitting in the car, succeeded in running away and on asking about him, the petitioner informed his name as Jabarbir Singh @ Babbu. It is further alleged that ASI Mohan Singh gave an option to the petitioner to be searched before the Magistrate or a Gazetted Officer and upon taking the consent of the petitioner and reposing faith on him, he conducted the search of the car as well as personal search of the

petitioner and recovered 20 injections of Buprenorphine Injection IP, which fall in the commercial quantity.

Learned counsel for the petitioner has argued that the complainant and the Investigating Officer are the same person and no second Investigating Officer was called at the spot. It is further argued that the petitioner was earlier involved in another FIR No.12 dated 28.01.2018 under Section 22 of NDPS Act, Police Station Kathgarh, District SBS Nagar and after facing the full length trial, he was acquitted by the Judge, Special Court, SBS Nagar on 01.06.2019.

Learned State counsel, on instructions from ASI Gurnam Singh, could not dispute the factual position that the complainant and the Investigating Officer are the same person.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 26.09.2018 and the case is still at the stage of recording the prosecution evidence, 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**

08.07.2019  
*vishnu*

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No