

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16390-2019
Date of decision: 09.08.2019

Arundeeep Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Nemo.

ARVIND SINGH SANGWAN, J. (ORAL)

In view of resolution of the Bar, the lawyers are abstaining from the work.

Prayer in this petition is for grant of regular bail in FIR No.139 dated 21.12.2018 under Section 22 of NDPS Act, registered at Police Station GRP Bathinda, District Bathinda.

As per allegations in the FIR, the Investigating Officer/ASI Malkiat Singh, on suspicion, apprehended two boys, who were holding an orange coloured bag. Thereafter, he gave them an option to be searched before a Magistrate or Gazetted Officer. When the petitioner and another boy reposed confidence in the Investigating Officer, he conducted the search and recovered 15 bottles of Wincirex 100 ml each i.e. 1500 ml from them. A perusal of the FIR shows that recovery was effected jointly from both of them, as it is not mentioned in the FIR, one of them was exclusively carrying bag.

On 22.04.2019, it was observed by this Court that recovery is marginally more than the commercial quantity and the petitioner is in custody for the last 03 months and 28 days, but his custody should be two months more.

As per the fresh custody certificate dated 09.08.2019, the petitioner is in custody for the last 07 months and 16 days and is not involved in any other case.

Without commenting anything on merits of the case, considering the aforesaid facts and also considering the fact that Investigating Officer and the complainant are same and subsequently, he himself conducted the investigation, this petition is allowed and the petitioner is also 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.

09.08.2019
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No