

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18698-2019 (O&M)
Date of decision: 15.11.2019

Jugraj Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. R.P. Dhir, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.304 dated 29.10.2018 under Section 22 of NDPS Act, registered at Police Station Phillaur, District Jalandhar Rural.

Learned counsel for the petitioner submits that as per allegations in the FIR, the Investigating Officer/SI Sukhdev Singh was present on patrol duty, when he received an information from ASI Harjinder Kumar that one persons is standing on the bank of canal and is waiting for some vehicle and after seeing the police party, he thrown his envelope and started running. Thereafter, he was apprehended and disclosed his name as Jugraj Singh (petitioner) and he further disclosed that the envelope, which was in his possession, contained intoxicant injections. It is further submitted that on receiving such information, a ruqa was sent to the police station for registration of the case. Learned counsel further

submits that when the proceedings were initiated and recovery was effected, no notice under Section 50 of NDPS Act was give and therefore, it will be a debatable issue during the course of trial whether the proper procedure was followed or not. It is also submitted that the petitioner is in custody since 30.10.2018; he is first offender and is not involved in any other case.

Learned State counsel, on instructions from HC Harjeet Singh and on the basis of custody certificate dated 30.04.2019, has not disputed the factual position that the petitioner is not involved in any other case and is in custody since 30.10.2018. Learned State counsel has further submitted that out of total 09 prosecution witnesses, only 02 PWs have been examined so far.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last more than one year; he is not involved in any other case and in view of the moot points raised by learned counsel for the petitioner, 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

15.11.2019

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No