

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

**CRM-M-18773-2019
Date of decision: 06.05.2019**

Gurwinder Singh @ Gurwinder

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Gursimran Singh Bawa, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, 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. 170 dated 28.05.2014, registered under Section 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Chheharta, Amritsar City, District Amritsar.

Learned counsel for the petitioner has argued that Investigating Officer ASI Balwinder Singh was not a regular ASI and he was not competent to conduct the investigation.

Learned counsel for the petitioner has further submitted that the challan was presented way back in the year 2015, however, it was submitted in 2019. It is further submitted that petitioner was on interim bail from 02.08.2014 till 17.02.2019 and he has not misused the concession of the interim bail and the petitioner is not involved in any other case.

Learned counsel for the petitioner has relied upon order dated 19.03.2019, passed by this Court in CRM-M-11810-2019, wherein

co-accused Deepak Kumar @ Deepu has been granted concession of regular bail.

Learned State counsel, on instructions from ASI Rakesh Kumar and on the basis of the custody certificate filed today in Court, could not dispute the fact that Investigating Officer ASI Balwinder Singh was not the regular ASI and that is why, there was a long delay in submission of the challan.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that petitioner was on interim bail for a considerable long time and he has not misused the same; he is not involved in any other case and also in view of the fact that co-accused Deepak Kumar @ Deepu has already been granted concession of regular bail as noticed above, 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.

06.05.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No