

CRM-M-45843-2017

Date of decision: March 19, 2019

Kirandeep Singh @ Onkar @ Sonu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWANPresent : Mr. G.S. Sandhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer made in the petition is for grant of regular bail in FIR No.49 dated 29.4.2017 under Sections 21, 22, 31, 61 and 85 of the Narcotic Drugs and Psychotropic Substances Act registered at Police Station Sadar, Nawanshahr, District SBS Nagar.

Counsel for the petitioner submits that as per the allegations in the FIR, the raiding party, on apprehension, stopped the petitioner and thereafter, gave an oral offer to him to be searched before a Gazetted Officer or a Magistrate and thereupon the consent memo was prepared, in which the petitioner gave consent to be searched before the Investigating Officer and, thereafter, the recovery of 45 grams of heroin and 260 grams of intoxicant powder was made.

Counsel for the petitioner has further argued that it will be a debatable issue before the trial Court whether the recovery under Section 52 of the Act was properly complied with or not. It is further argued that

the petitioner is in custody since 30.4.2017 and a period of 01 year, 10 months and 17 days elapsed and still the case is at the stage of recording of prosecution witnesses and only four witnesses, out of 11 witnesses have been examined.

Learned State counsel, on the basis of instructions, has not disputed the factual position.

Without commenting on the merits, considering the long custody of the petitioner and the case is still at the stage of recording of the prosecution evidence, the present petition is allowed and 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/Illaqa Magistrate, concerned.

(ARVIND SINGH SANGWAN)
JUDGE

March 19, 2019
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No