

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision : 21.5.2019

227 CRM-M-21931-2019

Shiv Ravinder Garg

..Petitioner

vs.

State of Punjab

...Respondent

266 CRM-M-64429-2018

Manpreet Singh

...Petitioner

vs.

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Jasjit Singh Bedi, Senior Advocate with
Mr. Sonpreet S. Brar, Advocate
for the petitioner in CRM-M-21931-2019.

Mr. Gurpal Singh Sandhu, Advocate
for the petitioner in CRM-M-64429-2018.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This common order shall dispose of aforesaid two bail petitions
as they arise from the same FIR.

Petition bearing CRM-M-21931-2019 has been filed under
Section 439 Cr.P.C for grant of regular bail to the petitioner and petition

bearing CRM-M-64429-2018 has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.248 dated 6.12.2018 registered under Sections 22/61 of NDPS Act at police station Kotwali, District Bhatinda.

CRM-M-21931-2019

Learned Senior counsel for the petitioner has argued that petitioner is a licenced chemist. The seized drugs were purchased against the regular bill dated 5.12.2018 and as per the condition of his licence he does not require permission to carry these drugs. Further, the petitioner has been in custody for about six months.

On instructions from ASI Sandhur Singh, learned DAG has accepted these factual assertions.

Custody certificate dated 21.5.2019 by way of affidavit of Sukhwinder Singh, PPS, Superintendent, Central Jail, Bathinda has been filed on behalf of the respondent-State, the same is taken on record. Copy has been supplied to the opposite counsel. The custody certificate also certifies the fact that the petitioner has been in custody for 5 months and 12 days and no other case is pending against him.

Without commenting on the merits of the case, keeping in view the above facts and the period of incarceration already suffered by the petitioner, I deem it appropriate to grant regular bail to the petitioner. Ordered accordingly, Bail to the satisfaction of the concerned Trial Court/Duty Magistrate.

Petition stands allowed.

Since the main case has been decided, the pending criminal

miscellaneous application, if any, also stands disposed of.

CRM-M-64429-2018

On 28.2.2019 the following order was passed ;-

“Today learned counsel for the petitioner has stated that he has ascertained the person from whom the co-accused had purchased the drugs. Learned DAG has suggested that the petitioner may be granted interim bail and allowed to join and then the veracity of the information which he is seeking to give can be checked and final order be passed after obtaining report from the Investigating Officer.

I find it to be a fair submission. In the circumstances, the petitioner is directed to appear before the investigating officer on 6.3.2019 and on any other date as and when his presence is required. In the event of arrest of the petitioner, he shall be released on bail by the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

Adjourned to 26.3.2019 to await the report of the Investigating Officer.”

As regards the anticipatory bail of the petitioner in this case, learned Senior counsel has argued that once a person from whom the drugs were recovered has been granted regular bail and on this very ground interim bail granted to the petitioner can be confirmed.

Learned DAG is not in a position to give any reason to deny the confirmation of interim bail.

Petition is allowed. Interim order dated 28.2.2019 is made absolute.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

21.5.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No