

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

**CRM-M-48333-2018
Date of decision: 21.01.2019**

Dilraj Satnam Singh @ Satti

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Bhavneet Gaur, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, DAG, 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. 0051 dated 13.05.2018, registered under Section 22 of the NDPS Act, at Police Station Sadar Nawanshahar, District S. B. S. Nagar.

Learned counsel for the petitioner further submits that as per the allegations in the FIR, ASI Darbara Singh, Investigating Officer, after apprehending the petitioner, served him a notice under Section 50 of the NDPS Act and when the petitioner reposed his faith in the same investigating officer, ASI Darbara Singh conducted his search and also completed the further investigation.

Learned counsel for the petitioner further submits petitioner is in judicial custody since 14.05.2018 and the charges were framed only on 22.12.2018 and till date, no prosecution witness has been examined. It is further submitted that in the another FIR, the petitioner is already on bail.

Learned counsel for the petitioner further submits that recovery is of 10 injections of *Buprenorphine* containing 2 ML each and, therefore, quantity is not above 20 ML.

Learned Stat counsel, on the basis of the custody certificate dated 12.11.2018 and on instructions from ASI Jaswinder Pal Singh, has not disputed the factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that petitioner is in judicial custody since 14.05.2018; evidence is yet to start; recovery is not of commercial quantity and also considering the fact that petitioner is on bail in another case, 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.

January 21, 2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No