

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

**CRM-M No.49343 of 2019
Decided on: 09.12.2019**

Hans Raj @ Raju Doctor

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Vivek K. Thakur, 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 to the petitioners under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.117 dated 30.06.2018, for offence punishable under Section 22 of the of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Kartarpur, District Jalandhar.

Counsel for the petitioner has argued that the petitioner is in custody for the last 01 year, 05 months and 07 days and out of 09 prosecution witnesses only 04 PWs have been examined so far. It is further argued that as per the allegations in the FIR, the petitioner was apprehended by ASI Inderjeet Singh with 03 plastic bags in which he recovered capsules, tablets and injections.

Counsel for the petitioner has further submitted that a bare perusal of the FIR show that neither any procedure under Section 50 of

the NDPS Act was followed nor the second Investigating Officer was called as after completing the investigation at the spot, the information was sent to the Police Station thereafter.

Counsel for the State, on instructions from ASI Kulbir Singh, has not disputed the actual custody of the petitioner and has also not disputed that only 04 PWs have been examined so far, however, it is argued that the petitioner is involved in another FIR of 2017 of similar nature.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody from the last 01 year, 05 months and 07 days; out of 09 prosecution witnesses only 04 PWs have been examined so far; the provisions of Section 50 of the NDPS Act has not been complied with and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

09.12.2019
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No