

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

**CRM-M-24025-2019
Date of decision: 04.10.2019**

Balbir Singh @ Balvir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sumeet Puri, Advocate
for the petitioner.

Mr. Jagmohan Ghuman, 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. 59 dated 06.06.2018, registered under Sections 22, 61, 85 of the Narcotic Drugs & Psychotropic Substances Act at Police Station Cheema, Sangrur, District Sangrur.

Learned counsel for the petitioner submits that the petitioner was granted interim bail awaiting the report of FSL and after receiving the same, he surrendered back and he is not involved in any other case.

Learned counsel for the petitioner further submits that as per the allegations in the FIR, registered at the instance of ASI Karam Singh, he stopped a car being driven by the petitioner and saw that a plastic bag is lying on the conductor, in which some intoxicant substances were put. On checking the said bag, 1000 intoxicant tablets of *Clovidol-100 SR* and 1000 intoxicant tablets of *Alprasef 0.5* were recovered and then information was sent for taking necessary action.

Learned counsel for the petitioner has, thus, argued that it will be a debatable issue whether in the absence of notice under Section 50 of the NDPS Act and also in the absence of any second investigating officer, the Investigating Officer of the case, who himself is the complainant, has conducted the investigation in a proper manner or not.

Learned State counsel, on instructions from HC Gurmeet Singh and on the basis of the custody certificate filed today in Court, has not disputed the factual position. As per custody certificate, the petitioner is not involved in any other case and he is in judicial custody since 01.04.2019.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the petitioner and also in view of the fact that petitioner is not involved in any other case; he is in judicial custody since 01.04.2019 and conclusion of the trial is likely to take some time, 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.

04.10.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No