

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

**CRM-M-30286-2019
Date of decision: 31.10.2019**

Veera Singh**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. N. S. Sidhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, 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. 21 dated 24.03.2019, registered under Section 22 of the NDPS Act, 1985 at Police Station Phool, District Bathinda.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the police party, on noticing the petitioner, who was coming on foot, found that the petitioner, on seeing the police party, became perplexed and had thrown a transparent envelope on the road. Thereafter, ASI/IO Dharam Singh apprehended the petitioner and asked his name and then looked into the said envelope, in which some tablets of white color were seen. The Investigating Officer then checked the envelope and found that it was containing 100 tablets of white color and some other small tablets of white color were also there.

Learned counsel for the petitioner further submits that neither any notice under Section 50 of the NDPS Act was given to the petitioner nor

the proper procedure was followed during investigation.

Learned counsel for the petitioner further submits that the petitioner is a first offender and he is in judicial custody since 25.03.2019 and he is no more required for any further investigation as the challan already stands presented.

Learned State counsel, on instructions from ASI Dharam Singh, has not disputed the factual position and submitted that charges have been framed, however, no prosecution witness has been examined so far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody since 25.03.2019; the petitioner is not involved in any other case; it is to be decided during trial whether the proper procedure was followed or not during investigation and also in view of the fact that conclusion of trial is likely to take a long time as no prosecution witness has been examined so far, the present 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.

31.10.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*