

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-25626 of 2019 in  
CRM-M-32488 of 2019  
Date of Decision: 27.09.2019

Gurbaj Singh @ Baja

..... Petitioner

versus

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present: Mr. Harchand Singh Batth, Advocate,  
for the petitioner.

Mr. A.P.S. Gill, D.A.G., Punjab.

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**AMOL RATTAN SINGH, J. (ORAL)**

Pursuant to the order dated 13.09.2019, Mr. Gagan Ajit Singh, Deputy Commissioner of Police, Operational Security, Amritsar, is present in court and learned State counsel submits that as a matter of fact there was no assistance given to Mr. Rajat Bansal, AAG, on 13.09.2019, because the date of hearing in this petition had been advanced on 02.09.2019 to 13.09.2019, whereas on August 06, 2019 that matter had actually been adjourned for 27.09.2019, with however no communication having been sent to the investigating officer/police station concerned, as to the advancement of the date of hearing.

He submits that that may be so possibly on account of the fact that copies of the application were not supplied to learned State counsel.

This court has time and again asked learned State counsel appearing for both States that in case copies of petitions/applications in respect of which they are asked to accept notice in court, are not supplied by learned counsel for the

petitioner/applicant, the Reader of this court or this court itself should be informed of that by evening, so that the order then would not be signed because in the absence of any copy of petition/application being handed over to counsel for the State, obviously no further proceedings can be taken by her/him and therefore the order issuing notice of motion virtually becomes redundant.

However, at least this court has never been informed by the Assistant Advocate General, that he did not receive any such copy.

Obviously therefore the DCP has been summoned by this court for no fault of the District police.

As regards the merit of the case, learned State counsel submits that the petitioner is the person to whom one Raobarinder Singh is stated to have sold 50 grams of heroin, such disclosure statement having been made (as per the case of the investigating agency), by the said person from whom 700 grams worth of tablets containing 700 grams of 'alprazolam' are stated to have been recovered (again as per the case of the investigating agency).

That being so, the quantity of heroin stated to have been recovered from the petitioner being well below commercial quantity, the petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the trial court.

**September 27, 2019**  
**dinesh**

**(AMOL RATTAN SINGH)**  
**JUDGE**

Whether speaking/reasoned  
Whether Reportable

Yes  
No