

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

CRM-M-34453-2019
Date of decision: 29.08.2019

Santokh Singh @ Sukha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Nitin Rathour, Advocate for
Mr. B. S. Bhalla, 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. 82 dated 06.04.2015, registered under Section 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Sultanwind, District Amritsar City.

Learned counsel for the petitioner submits that after the arrest of the petitioner in the present FIR in 2015, he was granted the concession of interim bail on 04.07.2015 awaiting the FSL report.

Learned counsel for the petitioner further submits that thereafter, the FSL report was submitted on 16.01.2016 and the challan was presented after a long lapse of time on 16.01.2019 and on that day, the interim bail, granted to the petitioner on 04.07.2015, was cancelled. It is further submitted that during the intervening period, the petitioner was regularly attending the court proceedings.

Learned counsel for the petitioner further submits that as per the allegations in the FIR, no notice under Section 50 of the NDPS Act was served upon the petitioner despite the fact that his personal search was conducted.

Learned State counsel, on instructions from HC Kulwinder Singh and on the basis of the custody certificate filed today in Court, has not disputed the factual position, however, submitted that petitioner is involved in one more case under the NDPS Act, though he is on bail in that case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner remained on interim bail for a long time and he has never misused the same; the petitioner is in judicial custody since 16.01.2019 and also in view of the fact that conclusion of 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.

29.08.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No