

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

240)

Crl. Misc. No.M-41785 of 2019 (O&M)

Date of Decision: 24.10.2019

Iqbal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Parminder Singh Sekhon, Advocate, for the petitioner.
Mr. B.S. Sewak, Addl. Advocate General, Punjab.

Amol Rattan Singh, J. (Oral)

By this petition, filed under the provisions of Section 439 of the Cr.P.C., the petitioner seeks the concession of 'regular bail'.

Mr. Sekhon, learned counsel for the petitioner submits that admittedly at least a part of the recovery (as per the case of the prosecution) was made from the pocket of the petitioner, with no gazetted officer present on the spot and therefore there is a violation of Section 50 of the NDPS Act, 1985.

Other than that, he submits that the petitioner has been in custody for 1 year and 4 months, with the trial still nowhere near conclusion.

Learned State counsel, on instructions from the police official who is present in court to assist him, could not deny that the petitioner has been in custody for the aforesaid period.

Upon query to learned State counsel, he submits that there is no other criminal case pending against the petitioner.

That being so, without making any comment on the actual merits of the case, for or against the petitioner, I deem it appropriate to admit the petitioner to bail during the pendency of the trial.

Consequently, this petition is allowed. The petitioner would be enlarged on bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

24.10.2019
vcgarg

(Amol Rattan Singh)
Judge

Whether reasoned/speaking: Yes
Whether reportable: No