

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

**CRM-M No.44836 of 2019
Decided on: 11.12.2019**

Rajwinder Singh @ Vicky

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. H.S. Batth, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. R.S. Mamli, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this 2nd petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.90 dated 28.06.2018 under Sections 22, 29 of the of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Bhikhiwind, District Tarn Taran.

The 1st petition seeking regular bail to the petitioner was dismissed as withdrawn with liberty to the petitioner to approach the trial Court for regular bail.

Counsel for the petitioner has argued that as per the allegations in the FIR, the petitioner was apprehended on suspicion by the police party without complying with the provisions of Section 50 of the NDPS Act and on personal search of the petitioner, the recovery of 700 loose intoxicant tablets were recovered. It is further argued that out

of the aforesaid loose tablets, only 10 tables were sent for the FSL examination and even, no representative sample was drawn later on. It is further argued that the petitioner is the first offender and he is not involved in any other case and he is in custody for the last more than 05 months and 18 days.

Counsel for the State has filed the Custody Certificate today in the Court and on instructions from ASI Surinder Kumar and assisted by counsel for the complainant, has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last more than 05 months and 18 days; the petitioner is the first offender; he is not involved in any other case; the custodial interrogation of the petitioner is no more required and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

11.12.2019
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No