

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

**CRM-M No.62004 of 2018
Decided on: 13.05.2019**

Gurpreet Singh @ Preetu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Zorawar Singh Chauhan, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this 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.273 dated 23.07.2017, for offence punishable under Section 22 of the Narcotic Drug and Psychotropic Substances Act, 1985 (in short 'the NDPS Act'), registered at Police Station Phillaur, District Jalandhar Rural.

Counsel for the petitioner has submitted that the petitioner is in custody for the last about 01 year and 10 months; he is the first offender and is not involved in any other case. It is further submitted that as per the allegations in the FIR, the petitioner was apprehended by the ASI/Investigating Officer, who after giving a notice under Section 50 of the NDPS Act and obtaining the consent of the petitioner reposing faith in him, conducted the search and recovered 31 injections Mark OMGESIC, which were found to be containing Bupronorphine

Hydrochloride as per the FSL report. It is also submitted that it will be a debatable issue that in the absence of a second Investigating Officer, called at the spot, for further investigation whether proper procedure has been followed or not. It is further argued that it will take some time in conclusion of the trial.

Counsel for the State on the basis of the Custody Certificate dated 10.01.2019 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 01 year and 10 months; he is the first offender and is not involved in any other case and conclusion of the trial is likely to take some time, 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.

(ARVIND SINGH SANGWAN)
JUDGE

13.05.2019

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