

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

**CRM-M No.5317 of 2020
Date of decision: 11.02.2020**

Gulab Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. L.S. Sekhon, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.150 dated 04.11.2018 registered under Section 22 of the NDPS Act at Police Station City Rampura, District Bathinda.

Counsel for the petitioner has argued that as per the allegations in the FIR, the police party headed by ASI Satpal, apprehended two persons i.e. the petitioner – Gulab Singh and his co-accused Ranjit Singh and gave them the offer that the carry bag which is lying between both of them is open and strips of narcotics are clearly visible and some of the strips are scattered around, therefore, their search is to be conducted under the Narcotic Substances Act. Upon this, the accused reposed confidence on the same officer i.e. ASI Satpal Singh and thereafter, he conducted the search and recovered 179 strips of TRICARE-SR TRAMADOL. It is further submitted that since the entire proceedings were initiated by the same Investigating Officer, it will be a matter of trial if the proper procedure is followed or not.

Lastly, it is argued by counsel for the petitioner that the co-

accused of the petitioner namely Ranjeet Singh has already been granted the concession of regular bail by this Court vide order dated 22.11.2019 passed in CRM-M No.15131 of 2019.

Counsel for the State has filed the Custody Certificate today in the Court and as per the Custody Certificate, the petitioner is in custody for the last 01 year, 03 months and 04 days and he is not involved in any other case. It is also submitted that out of 11 prosecution witnesses, only 03 PWs have been examined.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 01 year, 03 months and 04 days; out of 11 prosecution witnesses only 03 PWs have been examined; the co-accused of the petitioner has already been granted the concession of bail and the conclusion of the trial will take long 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

11.02.2020
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No