

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7879-2020 (O&M)
Date of decision: 27.02.2020

Shinder Singh @ Shinda and another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Naveen Sharma, Advocate
for the petitioners.

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

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.125 dated 12.08.2019 under Section 22 of NDPS Act, registered at Police Station Sadar Bathinda, District Bathinda.

Learned counsel for the petitioners submits that as per allegations in the FIR, the Investigating Officer/ASI Sukhpal Singh apprehended the petitioners on suspicion. Petitioner No.1 Shinder Singh @ Shinda was driving the motorcycle, whereas petitioner No.2 Buta Singh was a pillion rider. The Investigating Officer gave them an offer to be searched before the Magistrate or a Gazetted Officer and both of them stated that they have faith in him and he can carry out the search. Thereafter, he carried out the search and recovered 400 tablets of Tramadol and Alprazolam. It is further submitted that as per the FIR, after completing the entire proceedings at the spot, the same Investigating

Officer sent a ruqa to the police station for registration of the FIR and at any point of time, no second Investigating Officer was called, therefore, it will be a debatable issue to be decided by the trial Court, whether a proper procedure under the provisions of NDPS Act was followed or not.

Learned counsel for the petitioners further submits that the petitioners are in custody since 15.08.2019 and are not involved in any other case.

Learned State counsel has filed the custody certificate dated 27.02.2020 in the Court today and on instructions from ASI Bhola Singh, has not disputed the factual position.

Without commenting anything on merits of the case, considering the aforesaid submissions made by learned counsel for the parties, this petition is allowed and the petitioners are directed to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

27.02.2020

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No