

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

CRM-M-21020-2020 (O&M)

Date of Decision : August 11, 2020

Amritpal Singh Lamberdar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Ms. Amarinder Verma, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.
(through video conferencing).

ARVIND SINGH SANGWAN, J. (Oral)

CRM-18222-2020

Allowed, as prayed for.

CRM-M-21020-2020

This is the first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 252 dated 16.12.2019 under Sections 22/25 of the NDPS Act, registered at Police Station Sangat, District Bathinda.

Counsel for the petitioner relies upon the order dated 18.2.2020 passed in CRM-M-6440-2020 granting regular bail to the co-accused Kuldeep Singh and order dated 21.7.2020 passed in CRM-M-17471-2020 granting bail to Jagdeep Singh @ Deepa. The operative part of the order reads as under :-

“Learned counsel for the petitioner submits

that the petitioner is in judicial custody since the date of registration of the FIR and has undergone custody of more than seven months; the investigation is complete; challan stands presented and the petitioner is a first offender.

Learned counsel for the petitioner further submits that as per the allegations in the FIR, the police party, headed by ASI Gurcharan Singh, apprehended two persons, who were riding on a motorcycle, and on seeing the police, they tried to escape and in that process, the said motorcycle slipped and both of them fell down and some tablets spread over the earth, which were in a polythene bag.

It is further submitted that as per the allegations in the FIR, the tablets were kept in between the driver and the pillion rider of the motorcycle, therefore, it will be a debatable issue during the course of trial that who was in conscious possession of the tablets.

Learned counsel further submits that one of the co-accused, namely Kuldeep Singh, who was nominated later on, has been granted concession of regular bail by this Court, vide order dated 18.02.2020 passed in CRM-M-6440-2020.

Learned State counsel has filed the custody certificate, as per which, the petitioner is in judicial custody for the last more than seven months and he is not involved in any other case.”

Counsel for the petitioner submits that the petitioner is in custody for the last about 07 months and not required in any other case.

Learned State counsel has filed the custody certificate and has not disputed the factual position.

After hearing learned counsel for the parties; considering the submissions made by counsel for the petitioner; the co-accused of the petitioner has already been granted the regular bail and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

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

August 11, 2020
satish

Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO