

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28136-2019 (O&M)
Date of decision: 23.01.2020

Baljinder Singh @ Sodhi

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.S. Brar, Advocate for
Mr. S.P.S. Sidhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.0016 dated 19.01.2019 under Sections 22 & 27 of NDPS Act, registered at Police Station Dharamkot, District Moga.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police received a secret information that the petitioner is indulged in selling intoxicant tablets/powder and if a raid is conducted, the same can be recovered from him. It was further informed that the petitioner along with Karanbir Sharma, Harbansh Singh, Gurpreet Singh, Gursharanjeet Singh @ Kaalu and Daljit Singh are consuming intoxicant material in a room of the rice mill. Thereafter, the police conducted a raid and recovered 260 grams of intoxicant powder from the petitioner and from other persons, a match box, a

glass, a lighter, silver foil and water bottle were recovered. Learned counsel has thus submitted that it will be debatable issue whether the recovery, which is shown to be effected from the petitioner, was made in a legal manner. It is further submitted that the petitioner is not involved in any other case and he has undergone the judicial custody of 01 year and 02 days and out of total 12 prosecution witnesses, none has been examined so far.

Learned State counsel, on the basis of affidavit of Deputy Superintendent of Police, Dharamkot, District Moga and the custody certificate dated 22.01.2020 filed in the Court today, has not disputed the factual position. However, it is submitted that recovered quantity is 10 gram more than the non-commercial quantity.

Without commenting anything on merits of the case, considering the fact that the petitioner is not involved in any other case; he is in judicial custody for the last about 01 year and no prosecution witness has been examined so far, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

23.01.2020
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No