

CRM-M-28356-2019

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

CRM-M-28356-2019
Date of Decision: 16.01.2020

Sunny Arora

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Arshdeep Singh Brar, Advocate,
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Custody certificate by way of affidavit of Iqbal Singh Dhaliwal, PPS, Deputy Superintendent, Central Prison, Ludhiana, has been filed in the Court today. The same is taken on record.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.24 dated 24.03.2019, registered at Police Station Kathgarh, District SBS Nagar, under Sections 22 and 25 of the NDPS Act, 1985.

Learned counsel for the petitioner states that during the personal search, the provisions of Section 50 of the NDPS Act have not been complied with. The petitioner has been in custody since 25.03.2019. The recovery of 146 injections of Leegestic of 2 ml containing Buprenorphine Hydrochloride each and 150 vials of Avil containing 10 ml each, has been allegedly effected in the present case. The question whether

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has been referred by a Coordinate Bench of this Court to the Division Bench for an authoritative pronouncement, in CRM-M-28002-2018 – Anil Kumar @ Nehla Vs. State of Punjab, vide order dated 1.10.2018.

Learned State counsel has drawn the attention of this Court towards the reply filed by way of affidavit of Sh. Jatinderjit Singh, PPS, Deputy Superintendent of Police, Balachaur, District SBS Nagar, Punjab, which indicates that separate consent statements of the petitioner and co-accused had been recorded in compliance of Section 50 of the NDPS Act.

I have heard learned counsel for the petitioner and the learned State counsel.

The petitioner has been in custody since 25.03.2019, as stated. The trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping him behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

16.01.2020

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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