

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

CRM-M No.31104 of 2019 (O&M)

Decided on: 20.02.2020

Satnam Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. M.S. Dhindsa, 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 to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.0005 dated 07.01.2019, for offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act'), registered at Police Station Canal Colony, District Bathinda.

Counsel for the petitioner has argued that as per the allegations in the FIR, the police party headed by SI Parvinder Singh on suspicion stopped the petitioner, who was coming on a motorcycle. A transparent polythene bag of white colour was tied with the handle of the said motorcycle in which strips of intoxicant tablets were clearly visible and on opening the bag, 1400 tablets of TREDOL-100 were recovered. The same were sealed by preparing a parcel and it was sealed with the seal bearing impression 'PS' which is of SI Parvinder

Singh. It is further submitted that as per the version in the FIR itself after the entire proceedings were completed by SI Parvinder Singh, he sent a ruqa to the Police Station and at no point of time, either any second Investigating Officer was called at the spot or any effort was made to produce the petitioner/accused before the Magistrate or the Gazetted Officer.

Counsel for the petitioner has further argued that a perusal of the affidavit of the Inspector General of Police, Bathinda Range, Bathinda, show that as per the enquiry conducted by the police, this fact is also ascertained that the ruqa was sent after the contraband was recovered and sealed by the complainant/Investigating Officer i.e. SI Parvinder Singh himself with his own seal bearing impression 'PS'.

A perusal of this affidavit further reveal that during the investigation of the members of the police party, who were along with SI Parvinder Singh has nowhere stated that at no point of time, the second Investigating Officer was called at the spot and the entire investigation was completed by SI Parvinder Singh himself.

Counsel for the petitioner has further submitted that the petitioner is a first offender and is not involved in any other case under the NDPS Act.

Counsel for the State, on instructions from Inspector Rajinder Pal Singh, and on the basis of the affidavit of the Inspector General of Police, Bathinda Range, Bathinda has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is a first offender; he is not

involved in any other case under the NDPS Act; he is in custody since 07.01.2019; he is no more required for any further investigation and the conclusion of the trial will take some 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/Illaqa 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.

20.02.2020
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(ARVIND SINGH SANGWAN)
JUDGE

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