

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32652-2019 (O&M)
Date of decision: 30.01.2020

Sarbjeeet Singh @ Veer

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Yashpal Thakur, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.146 dated 16.06.2019 under Section 22 of NDPS Act, registered at Police Station Sirhind, District Fatehgarh Sahib.

Learned counsel for the petitioner submits that the petitioner is first offender and is not involved in any other case. It is further submitted that as per allegations in the FIR, registered at the instance of ASI Amarjeet Singh, when he along with other police officials was present on patrol duty, he apprehended the petitioner, who had thrown a polybag in the bushes and after inquiring about name and parentage of the petitioner, polybag was checked and 13 injections of Buprenorphine were recovered. It is also submitted that it is a case where no notice under Section 50 of NDPS Act was given and before searching the bag, no information was sent to the police station and no second Investigating

Officer was called at the spot and complainant and the Investigating Officer are the same person. In this regard, learned counsel for the petitioner has relied upon a judgment dated 29.01.2020 passed in **SLP (Crl.) Nos.7281-7282 of 2017 (Sushila Aggarwal and others Vs. State (NCT of Delhi) and another)**, wherein the Hon'ble Supreme Court has held that if there is a reasonable possibility that an accused may be acquitted, he can be granted the concession of bail.

Learned State counsel has filed the affidavit of the Investigating Officer/SI Suresh Kumar, Incharge, Police Post Nabipur, Police Station Sirhind, District Fatehgarh Sahib in the Court today and as per this affidavit, the ruqa was sent after effecting the recovery and subsequent proceedings were undertaken by SI Harpreet Singh.

Without commenting anything on merits of the case, considering the fact that the petitioner is not involved in any other case and there are moot points involved in the case to be decided during the course of trial and also in view of judgment of the Hon'ble Supreme Court in **Sushila Aggarwal's** case (supra), 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/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[**ARVIND SINGH SANGWAN**]
JUDGE

30.01.2020
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No