

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

CRM-M No.34874 of 2019 (O&M)

Decided on: 14.01.2020

Angrej Singh @ Geja

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Inder Pal Singh, 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.0091 dated 02.04.2018, for offence punishable under Section 22 of the of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act'), registered at Police Station City Tarn Taran, District Tarn Taran.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of SI Manjinder Singh, the petitioner was apprehended on suspicion and on conducting his personal search, he was found having a heavy thing wrapped in a polythene pouch around his waist under the shirt and the same were found to be intoxicant capsules. Thereafter, a ruqa was sent to the Police Station for registration of the FIR.

Counsel for the petitioner has further argued that the

petitioner was granted interim bail awaiting the report of FSL and after the report came, the petitioner cannot surrendered before the trial Court and he is in custody since 15.02.2019. It is further submitted that out of 08 PWs, only 02 PWs have been examined so far.

Affidavit of the Deputy Superintendent of Police, Sub-Division Tarn Taran, District Tarn Taran is already on record and as per this affidavit, SI/SHO Manjinder Singh, Police Station City Tarn Taran, who was the Investigating Officer has been dismissed from service vide order dated 12.04.2019 and now he is confined in Central Jail, Amritsar. A perusal of this affidavit show that nothing is stated about following the procedure under Section 50 of the NDPS Act as the recovery was effected from the personal search of the petitioner.

Counsel for the State, on the basis of the affidavit and on instructions from ASI Savinder Singh has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the contents of the affidavit of the Deputy Superintendent of Police, Sub-Division Tarn Taran, District Tarn Taran wherein nothing is stated about following the procedure under Section 50 of the NDPS Act, a point to be decided by the trial Court and also in view of the fact that the petitioner is in custody since 15.02.2019; out of 08 PWs, only 02 PWs have been examined 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/Illaq 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.

14.01.2020
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(ARVIND SINGH SANGWAN)
JUDGE

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