

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

**CRM-M-44054-2019
Date of decision: 13.07.2020**

Satish Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. L. S. Sekhon, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 28 dated 27.04.2019, registered under Section 22 of the NDPS Act, 1985 at Police Station Sadar Rajpura, District Patiala.

Learned counsel for the petitioner submits that as per the allegations in the FIR, when the police party tried to apprehend the petitioner, he had thrown a black color bag which was carrying certain narcotic substances. Thereafter, SI Nirmal Singh recovered 350 tablets of Alprazolam 0.5 mg and 1950 tablets of Clovidol-100 SR.

Learned counsel for the petitioner further submits that after effecting the recovery, ASI Gurmeet Singh was called at the spot and, therefore, it will be a debatable issue during the course whether the proper procedure was followed during investigation as the second investigating officer was called after effecting the recovery.

Learned counsel for the petitioner further submits that petitioner is not involved in any other case and he is in judicial custody since 30.04.2019. It is further submitted that till now, only three prosecution witnesses have been examined and the trial is moving at a very slow pace on account of outbreak of COVID-19.

Learned State counsel has filed the affidavit of the Incharge, Police Post, Basantpura, wherein it is stated that challan was presented on 28.08.2019 and charges were framed on 06.11.2019. Learned State counsel has not disputed the factual position. As per custody certificate filed, the petitioner is not involved in any other case.

I have heard learned counsel for the parties.

In view of the above, without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the parties, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

13.07.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No