

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

**CRM-M No.46806 of 2019 (O&M)
Decided on: 02.03.2020**

Shubampreet Singh @ ShubamPetitioner
Versus
State of PunjabRespondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. H.S. Batth, 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.40 dated 02.07.2019, for offence punishable under Sections 22, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Kacha Pakka, District Tarn Taran.

Counsel for the petitioner has argued that as per the allegations in the FIR, the police party headed by ASI Kulwant Singh, noticed three boys coming on a motorcycle and on seeing the police party, they tried to turned back the motorcycle, however, the motorcycle slipped and all of them fell down and when the police party tried to catch them, one person sitting on the last pillion seat of the motorcycle ran away and a polythene bag which was tied with the handle of the motorcycle was dropped, from which heroin was recovered. Thereafter, two persons who were apprehended from the spot, who informed their names as Jaswinder Singh @ Harpreet @ Happy and Gurjant Singh @ Janta. Thereafter, from the polythene bag, 310 gms of heroin was

recovered. It is argued that even before the identity of the petitioner was disclosed, the Investigating Officer has recovered the heroin from the bag lying on the spot and neither any notice under Section 50 of the NDPS Act was given to the accused nor the second Investigating Officer was called at the spot. It is further submitted that as per the FIR, after completing the investigation, ASI Kulwant Singh has sent a ruqa to the Police Station for further investigation.

Counsel for the State has filed the Custody Certificate today in the Court and as per the Custody Certificate, the petitioner is in custody for the last 07 months and 24 days and he is not involved in any other case under the NDPS Act, though, he is involved in three cases under the Indian Penal Code.

Without commenting anything on merits of the case, considering the fact that challan stands presented; the petitioner is not involved in any other case under the NDPS Act; the custodial interrogation of the petitioner is not required 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.

(ARVIND SINGH SANGWAN)
JUDGE

02.03.2020
yakub

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