

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1005-2020 (O&M)

Date of decision: 29.11.2021

Charanjit Singh @ Charna

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.S. Sandhu, 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 in FIR No.25 dated 20.02.2019 under Section 22 of NDPS Act, registered at Police Station Kotbhai, District Sri Muktsar Sahib.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of ASI Harwinderpal Singh, while on patrol duty, a person was seen coming on feet, carrying a black coloured polythene bag in his right hand. On seeing the police party, he became perplexed and tried

to turn back towards the fields, however, he was apprehended. On inquiry, he disclosed his name as Charanjit Singh @ Charna and notice under Section 50 of NDPS Act was given, in which he reposed confidence in the same Investigating Officer. After conducting the search, 1500 intoxicant tablets were recovered. It is further submitted that the petitioner is in custody for the last 02 years, 09 months and 05 days and it will be a matter of trial whether proper procedure under Section 42 of NDPS Act was followed or not, as the same Investigating Officer issued him notice under Section 50 of NDPS Act and when the petitioner reposed confidence in him, without sending ruqa to the police station and after completing the entire investigation by the same Investigating Officer, an information was sent to the police station for registration of the FIR and no Gazetted Officer or Magistrate was called at the spot.

Reply by way of affidavit of Deputy Superintendent of Police, Sub Division Gidderbaha, District Sri Muktsar Sahib as well as custody certificate dated 26.11.2021, filed in the Court today, are taken on record and on the basis of same, learned State counsel submits that the petitioner stands acquitted in two FIRs; one under Indian Medical Act and another under NDPS Act and out of total 12 prosecution witnesses, 05 PWs have been examined.

After hearing learned counsel for the parties, without commenting anything further on merits of the case and considering the aforesaid submissions made by learned counsel for the petitioner as well as affidavit of DSP; stage of the trial and long custody of the petitioner, which is of 02 years, 09 months and 05 days, 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.

29.11.2021
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No