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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.6666 of 2021 (O&M)
Decided on: 10.12.2021

Surinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Inder Singh, Advocate
for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., 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.83 dated 29.04.2019, for offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act (in short 'the NDPS Act') registered at Police Station City Dhuri, District Sangrur.

Counsel for the petitioner has argued that as per the allegations in the FIR, the police party on receiving a secret information that the petitioner is involved in selling intoxicant tablets, a ruqa was sent to the Police Station by ASI Darshan Singh and the FIR was registered and thereafter, SI Satnam Singh along with the police party laid a barrier and noticed that the petitioner is coming on his motorcycle bearing registration No.HR08-AM-4113 carrying a plastic bag on his shoulder. Thereafter, he was apprehended and from the said

bag, 4450 tablets of TRAMADOL HYDROCHLORIDE were recovered along with 4410 tablets of CLOVIDOL. As per the FSL report, the tablets branded as TRAMADOL HYDROCHLORIDE were found to be a narcotic substance. It is further submitted that as on today, the petitioner is in custody for the last 02 years, 07 months and 07 days and is not involved in any other case.

Counsel for the petitioner has also submitted that out of 12 prosecution witnesses, only 03 PWs have been examined and the case is still at the stage of recording the prosecution evidence and the trial is delayed due to COVID-19 situation in the country. Counsel for the petitioner has lastly submitted that it will be a debatable issue to be decided during the course of trial, after receiving the secret information when the ruqa was sent and the FIR was registered, the police effected the recovery and conducted the search of the petitioner without giving a notice under Section 50 of the NDPS Act as it was not a case of chance recovery as it is own case of the prosecution that they had a previous information in this regard.

Counsel for the State, on the basis of the Custody Certificate filed in the Court today, has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is not involved in any other case; he is in custody for the last 02 years, 07 months and 07 days; out of 12 PWs, only 03 PWs have been examined and conclusion of the trial is likely to 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

10.12.2021
yakub

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