

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

**CRM-M-18625-2021
Date of decision: 26.10.2021**

HARJINDER SINGH @ NAMEPAL

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. J. S. Warring, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

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. 0116 dated 13.10.2020, registered under Sections 22(c) and 25 of the NDPS Act, 1985 at Police Station Nandgarh, District Bathinda, Punjab.

Learned counsel for the petitioner submits that as per allegations in the FIR registered at the instance of SI Madan Gopal, it is stated that when he was on a patrol duty along with his co-officials, one person was seen coming on a motorcycle and he was carrying a black colour bag on the petrol tank of the motorcycle and on seeing the police party, he became perplexed and tried to turn back his motorcycle, however, the bag fell down on the earth and he was nabbed by the SI with the help of his co-officials. Thereafter, he have an information to the police station and the second Investigating Officer came and by giving a notice under Section 50 of the NDPS Act, the recovery of 38 vials Wincirex of 100 ml each (total 3800 ml) and 38 strips of Carisoprodol intoxicating tablets containing 10

tablets each (total 380 tablets) were effected.

Learned counsel for the petitioner further submits that the petitioner is the first offender; he is in judicial custody for the last about 01 year and 06 days and out of 13 prosecution witnesses only 02 prosecution witnesses have been examined so far.

Learned counsel for the petitioner further submits that though it is mentioned in the FIR that only a telephonic information was given to the second officer, however, it will be a matter of trial whether the same would amount to the compliance of Section 42 of the NDPS Act or not.

Learned State counsel has filed the custody certificate in the Court today and as per the same, the petitioner is in judicial custody for the last about 01 year and 06 days. He further submits on instructions from HC Gurmeet Singh that only 02 prosecution witnesses have been examined so far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid circumstances; 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/Illaq Magistrate, concerned.

(ARVIND SINGH SANGWAN)
JUDGE

26.10.2021
Chetan Thakur

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No