

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18720-2021
Date of Decision: 21.05.2021

Amarjit Singh @ Jooga

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present : Mr. B.S.Bhalla, Advocate,
for the petitioner.

Mr. J.P.Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.59 dated 20.04.2015 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, and Section 61 of the Excise Act, registered at Police Station 'E' Division, District Amritsar.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the police party stopped a car and the driver of the car disclosed his name as Ravneet Singh whereas the other occupant disclosed his name as Amarjit Singh @ Jooga, i.e. the petitioner. From the search, 250 grams of intoxicant powder was recovered from the car.

Learned counsel for the petitioner submits that the recovery was primarily effected from co-accused Ravneet Singh along with 156 bottles of whisky.

It is further submitted that the petitioner was granted concession of regular bail on 01.07.2015, however, later on he absented from the court

proceedings when the challan was presented and notice of the court was not served. The learned counsel has further relied upon the judgment dated 02.08.2018 vide which co-accused Ravneet Singh after facing the full length trial, was acquitted by the court of the Judge, Special Court, Amritsar, observing that the investigating officer ASI Gurjit Singh had admitted in the cross-examination that he was not competent to carry investigation under the NDPS Act.

Learned counsel further submits that in view of the said judgment, the possibility of conviction of the petitioner is very bleak and the petitioner is in custody since 11.01.2021 and is ready to face the trial. The learned counsel has however, submitted that the petitioner remained absent from the court proceedings for a period of about 04 years when the trial of the co-accused was concluded and he was acquitted.

After hearing learned counsel for the parties and considering the fact that the petitioner is now facing the trial and his co-accused has already stands acquitted, this petition is allowed subject to furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqha Magistrate and on deposit of a cost of Rs.10,000/- with the District Legal Services Authority for delaying the trial for considerable long period.

(ARVIND SINGH SANGWAN)
JUDGE

21.05.2021
adhikari

Whether speaking/non-speaking	:	Yes/No
Whether reportable	:	Yes/No