

In virtual Court

CRM-M-19429-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19429-2020 (O&M)

Date of decision: 25.10.2021

Gurwinder Singh @ Jatinder Singh @ Rinku

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.S. Sandhu, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.208 dated 19.10.2019 under Section 22 of NDPS Act, registered at Police Station City Malout, District Sri Muktsar Sahib.

Learned counsel for the petitioner submits that as per allegations in the FIR, the Investigating Officer, while on patrol duty, apprehended two persons, who were coming on feet. One person was carrying a maroon coloured bag and on seeing the police party, he became perplexed and tried to turn back.

The Investigating Officer, with the help of co-officials, apprehended them. On inquiry, he informed his name as Gurwinder Singh @ Jatinder Singh @ Rinku. Thereafter, the Investigating Officer gave him a notice to be searched before the Gazetted Officer or a Magistrate. A non-consent memo was prepared and thereafter, DSP, Sri Muktsar Sahib was called at the spot and in his presence, search was conducted, in which 120 intoxicant bottles of Wincirex and 100 strips of intoxicant tablets each strip containing 10 tablets, total 1000 tablets, were recovered.

Learned counsel for the petitioner further submits that the petitioner is in custody for the last 02 years and 02 days and out of total 14 prosecution witnesses, only 04 PWs have been examined so far, therefore, conclusion of the trial will take some time. It is also submitted that it will be a matter of trial, whether Section 42 of NDPS Act was complied with or not, as after arrest of the petitioner, no information was sent to the police station.

Learned State counsel has filed the custody certificate dated 23.10.2021 in the Court today, according to which, the petitioner is involved in one more FIR of 2018, however, it is not disputed that only 04 PWs have been examined so far.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the long custody of the petitioner, which is more than 02 years and also in view of the fact that out of total 13 prosecution witnesses, only 04 PWs have been examined so far and conclusion of the trial will take some time, this petition is allowed and the

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petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

25.10.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No