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

(Through Video-conferencing)

**CRM-M No.20166 of 2020
Date of Decision: 20.09.2021**

ANGREJ SINGH @ GEJUPetitioner
Vs

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

Mr. Amar Ashok Pathak, Addl A.G, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.210 dated 23.11.2019, registered under Section 21 of NDPS Act, at Police Station Sadar, District Bathinda Punjab.

As per FIR, when the Police party was on checking of suspected persons in connection with Narcotic substances, one boy and a lady were seen coming on a motorcycle without number. On seeing the Police party, the driver of the motorcycle turned the motorcycle back and in that process they fell down from the motorcycle due to slip and a kit bag placed in

between had fallen down. They were apprehended. The driver of the motorcycle told his name as Angrej singh @ Geju and the lady disclosed her name as Amarjeet Kaur. The Investigating Officer SI Kirpal Singh proceeded to give offer to the accused under Section 50 of the NDPS Act, thereby offering them that the accused can be searched from Gazetted Officer.

Learned counsel for the petitioner submits that the offer given to the petitioner in terms of Section 50 of the NDPS Act was partial and incomplete offer was given with regard to the Gazetted Officer only and the petitioner could not opt for Magistrate in the absence of such an offer. 260 grams of heroin has been allegedly recovered from the kit bag which was kept in between the petitioner and the lady on the motorcycle.

Learned counsel for the petitioner by relying upon **Shinda Vs. State of Punjab, 2013(3) RCR (Criminal) 557** and **Lakhwinder Singh @ Bittu Vs. State of Punjab, 2012(22) RCR (Criminal) 301** contends that the alleged recoveries are marginally in excess of the quantity prescribed for commercial quantity.

Per contra learned State counsel opposed, the bail on the ground that alleged recovery is commercial in nature. Secondly the initial offer was with regard to the Gazetted Officer

but on arrival of Gazetted Officer he gave offer qua both the Magistrate as well as Gazetted Officer. The accused opted to be searched by the Gazetted Officer and there was no illegality in the process of investigation. Petitioner is in custody since 23.11.2019.

As per custody certificate produced by learned State counsel, petitioner is not involved in any other case.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular bail without adverting to the merits of the case

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

20.09.2021

Amandeep

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No