

**220 IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-25725-2021
Date of decision: 25.10.2021**

GURPREET SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Rahul Rampal, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This second 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. 316 dated 19.09.2020, under Section 22 of NDPS Act 1985, registered at Police Station Lambi, District Sri Muktsar Sahib.

Earlier petition bearing CRM-M-42761-2020 was dismissed as withdrawn on 24.02.2021.

Learned counsel for the petitioner submits that as per the allegation in the FIR the police party headed by SI Gurpreet Singh, it is stated that while on a patrol duty, they noticed that two motor cycles are coming on which there were two persons. On seeing the police party, they threw their motor cycles and started running. A boy with motor cycle fell in front of them and strips of intoxicant tablets fell out on the ground. He was caught and disclose his name as Gurpreet Singh (petitioner) and the person who ran away as Arshdeep Singh.

Learned counsel for the petitioner submits that thereafter, the same investigating officer, without complying with the provisions of

Section 42 of the NDPS Act, gave a notice under Section 50 of the NDPS Act and in presence of the DSP, 595 strips of 10 tablets each (Tramadol Hydrochloride) were recovered.

Learned counsel for the petitioner submitted that it is a matter of trial whether proper procedure has been followed or not. The learned counsel has further argued that the petitioner is first offender and is a sports persons and aged about 20 years.

It is further argued that there are 23 prosecution witnesses, however, charges have not been framed so far and therefore, the trial has not started and the petitioner is in custody for the last 01 year and 01 month.

The learned State counsel could not dispute the factual position and has not disputed that the petitioner is not involved in any other case as well that the petitioner is in custody for the last 01 year and 01 month and even charges have not been framed.

I have heard learned counsel for the parties.

After hearing the counsel for the parties and considering the age of the petitioner; the custody; the antecedents of the petitioner as well as the fact that the trial is not likely to start soon, 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/Illaqa Magistrate, concerned.

25.10.2021

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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No