

Sr.No.213

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

CRM-M-27184-2021

Date of decision:23.07.2021

Amrit Lal @ Chacha

... Petitioner

versus

State of Punjab

... Respondent

Coram: Hon'ble Mr. Justice Arvind Singh Sangwan

Present: Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.
Mr. J.P.Ratra, DAG, Punjab.

Through Video Conference

Arvind Singh Sangwan, J.(Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.98, dated 02.10.2020, for offence punishable under Sections 22(C), 25 of NDPS Act, 1985 registered at Police Station City SGN Dev Thermal Plant Bathinda, District Bathinda, Punjab.

Counsel for the petitioner has submitted that petitioner is an old man aged about 60 years and is not involved in any other case.

Counsel for the petitioner has submitted that, FIR was registered at the instance of Inspector Naveen Kumar, when he was present on a patrol duty, he noticed two persons were sitting in a car. On seeing the police party, they become perplexed and tried to spad away with the car.

They were stopped on suspicion. On the back seat of the car one black colour polythene was found and intoxicant vials and tablets were visible. Thereafter, he asked the driver to tell his name, he disclosed his name as Kuldeep Singh @ Gindi (co-accused) and person sitting on the conductor seat told his name as Amrit Lal @ Chacha (petitioner).

Thereafter, by giving a notice under Section 50 NDPS Act, both the accused reposed confidence on the Investigating Officer/Inspector and the from the search of the car 55 vials of Wincirix syrup and 550 tablets of Carisoma were recovered.

Counsel for the petitioner has submitted that since the Investigating Officer had himself conducted the search, it will be a matter of trial whether proper procedure was followed or not.

Counsel for the petitioner has further submitted that investigation is complete and petitioner is in custody for the last 09 months.

State counsel has filed the custody certificate and has not disputed the factual position.

Without commenting anything on merits of the case, considering the fact that the petitioner is not involved in any other case; he is in judicial custody since 02.10.2020 and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

23rd July, 2021

Shivani Kaushik

[ARVIND SINGH SANGWAN]

JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No