

In virtual Court

CRM-M-26893-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26893-2020 (O&M)
Date of decision: 03.03.2021

Prince @ Baba

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. D.S. Pheruman, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

This is 2nd petition for grant of regular bail in FIR No.121 dated 11.06.2018 under Section 22 of NDPS Act, registered at Police Station City Patti, District Tarn Taran; earlier one i.e. CRM-M-38397-2019 was dismissed as withdrawn on 06.02.2020.

Learned counsel for the petitioner submits that new ground for filing this second petition is that the petitioner is in long custody of 01 year and 09 months and out of total 08 prosecution witnesses, only 02 PWs have been

examined. It is further submitted that as per allegations in the FIR, registered at the instance of ASI Gurmukh Singh, when he was on patrol duty, on suspicion, he apprehended the petitioner, who was carrying a polythene bag in his right hand and thereafter, he opened the bag and found that there are 800 loose intoxicant tablets. After conducting the search and effecting the recovery, a ruqa was sent to the police station for registration of the FIR.

Learned counsel for the petitioner has argued that in fact, at no point, second Investigating Officer was called, as it is clear from the FIR itself that ruqa was sent to the police station after effecting the recovery from the petitioner. Though it was a case of chance recovery, however, no notice under Section 50 of NDPS Act was given and the petitioner was not informed about his legal right in this regard. It is further submitted that tablets recovered from loose tablets and out of 800 tablets, only 10 tablets were sent for chemical examination and the same will not represent the entire bulk recovered from the petitioner.

Learned State counsel has filed the custody certificate dated 03.03.2021 in the Court today and has opposed the prayer for bail on the ground that as per the custody certificate, the petitioner is involved in one more FIR under NDPS Act, though he is on bail.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case and also long custody of the petitioner, this petition is

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allowed and the 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 stands disposed of.

**[ARVIND SINGH SANGWAN]
JUDGE**

03.03.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No