

In virtual Court

CRM-M-27256-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27256-2020 (O&M)
Date of decision: 21.05.2021

Binderpal Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

CRM-14453-2021

For the reasons stated in the application, same is allowed and date of hearing is preponed from 31.08.2021 to today.

CRM stands disposed of.

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Prayer in this petition is for grant of regular bail in FIR No.0208 dated 24.06.2020 under Section 22 of NDPS Act, registered at Police Station City Muktsar, District Muktsar Sahib.

Learned counsel for the petitioner submits that as per allegations in

the FIR, the police, on seeing a clean shaven person, who was coming on foot and was carrying a polythene bag in his right hand, stopped him, on suspicion. The ASI, being of local rank, could not conduct the search under the NDPS Act, therefore, he sent a request to the police station for deputing some other official and ASI Narinderpal Singh reached at the spot. The petitioner was served with a notice that he can get his search conducted in presence of a Gazetted Officer or Magistrate, however, he reposed confidence in ASI Narinderpal Singh and thereafter, he conducted the search and recovered 1400 intoxicant tablets. It is further submitted that it will be a matter of trial whether proper procedure was followed or not, as the information for registration of the case was sent after effecting the recovery from the petitioner, though he was apprehended by the first Investigating Officer.

Learned counsel for the petitioner has further submitted that the petitioner is in custody for the last about 10 months and 25 days and is not involved in any other case and due to COVID-19 situation, the trial is not likely to proceed.

Learned State counsel, on the basis of custody certificate, could not dispute the factual position.

Without commenting anything on merits of the case, considering the fact that some moot points regarding the manner of investigation are involved in this case, to be decided by the trial Court, I deem it appropriate to grant regular bail to the petitioner.

Accordingly, this petition is allowed and the petitioner is directed

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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**

21.05.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No