

In virtual Court

CRM-M-38553-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38553-2021 (O&M)
Date of decision: 22.09.2021

Kuldeep Singh @ Gindi

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.98 dated 02.10.2020 under Sections 22(C), 25 of NDPS Act, registered at Police Station SGN Dev Thermal Plant, Bathinda, District Bathinda.

Learned counsel for the petitioner submits that the FIR was registered at the instance of ASI Kulwinder Singh, with the allegations that ASI Balwinder Singh informed him on phone that he has apprehended two persons, who were sitting in a car. On seeing the police party, they became perplexed and tried to run away, however, they were stopped and on the basis of suspicion, the car was checked and a black coloured rexin bag was lying found, in which the intoxicant vials and tablets were clearly seen. Thereafter, ASI

Kulwinder Singh reached at the spot and asked their identity. Driver of the car told his name as Kuldeep Singh @ Gindi, whereas the person sitting in the car aged about 60 years told his name as Amrit Lal @ Chacha and an offer was given under Section 50 of NDPS Act to be searched before an Officer or Illaqa Magistrate. It is further stated that 55 intoxicant vials and 550 intoxicant tablets were recovered from the search.

Learned counsel for the petitioner has argued that notice under Section 50 of NDPS Act is defective, as it finds mention that while giving a notice, the petitioner has a choice to be searched before an Officer or Illaqa Magistrate, whereas there is no such condition under Section 50 of NDPS Act and the word 'Illaqa' is not there. It is further submitted that the petitioner is first offender; he is not involved in any other case and is in custody for the last 11 months and 14 days and it will be a matter of trial whether proper procedure has been followed or not. It is also submitted that co-accused of the petitioner, namely Manish Kumar Singla, who name surfaced later on, was granted the concession of anticipatory bail vide order dated 22.12.2020 passed in CRM-M-37179-2020 and one another co-accused Amrit Lal @ Chacha, who was occupant of the car, has also been released on regular bail by this Court vide order dated 23.07.2021 passed in CRM-M-27184-2021.

Learned State counsel has filed the custody certificate dated 21.09.2021 in the Court today and has not disputed the factual position.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid submissions, this

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petition is 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/Illaqa Magistrate/Duty Magistrate, concerned.

Petition stands disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

22.09.2021
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No