

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40324-2021 (O&M)
Date of decision: 29.11.2021

Ajit Kumar Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Lakshay Bector, 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.65 dated 04.04.2021 under Section 20 of NDPS Act, registered at Police Station Division No.6, District Ludhiana.

Learned counsel for the petitioner relies upon the order dated 13.09.2021 passed in CRM-M-27413-2021, vide which co-accused Aman Singh Singh @ Aman has been granted the concession of regular bail. The operative part of the order reads as under: -

“...Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of ASI Randhir Singh, while on patrol duty, he noticed that three persons, carrying

three black coloured polythene bags, got off the bus coming from Delhi and started walking hurriedly to get an auto. On suspicion, the Investigating Officer apprehended them and on verification, they disclosed their names as Dev Narayan Sahu, Aman Kumar Singh @ Aman and Ajit Kumar Singh. Thereafter, he inquired about contents of the polythene bags, which they were carrying. Upon this, all three persons declared that it was ganja. Thereafter, the Investigating Officer smelled it and found that it is ganja. In that process, 13 kgs of ganja was recovered from co-accused Dev Narayan Sahu, 11 kgs of ganja was recovered from petitioner Aman Kumar Singh and 21 kgs of ganja was recovered from another co-accused Ajit Kumar Singh. It is further submitted that it will be a matter of trial whether on receiving such information, procedure as per Sections 42 & 50 of NDPS Act was required to be followed or not. It is next submitted that it will also be a matter of trial whether the complainant, who himself is the Investigating Officer, was competent to conduct investigation. Learned counsel further submits that the petitioner is in custody for more than 05 months and is not involved in any other case.

Learned State counsel has filed the custody certificate dated 11.09.2021 in the Court today and has not disputed the factual position, however, it is submitted that since the petitioner is resident of State of Bihar, if he is granted the concession of regular

bail, there is a likelihood of his fleeing from the process of law...”

Learned counsel for the petitioner submits that the petitioner is first offender; he is in custody for the last 07 months and 19 days; charges are yet to be framed, therefore, it will take some time in conclusion of the trial.

Learned State counsel, on the basis of custody certificate dated 29.11.2021 filed in the Court today, has not disputed the factual position, however, submits that out of total 14 prosecution witnesses, none has been examined so far.

After hearing learned counsel for the parties, without commenting anything further on merits of the case and considering the aforesaid facts and circumstances of the case and also considering the submissions as noticed in the order dated 13.09.2021, this 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/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

29.11.2021
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No