

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

**CRM-M-42234-2020
Date of Decision : 12.07.2021**

Manpreet Singh @ Kalu

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Mikhail Kad, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is a petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 93 dated 19.10.2020 under Section 22 of the NDPS Act, 1985 registered at Police Station Sherpur, District Sangrur, Punjab.

Learned counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of Investigating Officer, it is stated that while he was on a patrol duty, he received a secret information that petitioner Manpreet Singh @ Kalu is in a habit of selling intoxicant tablets and if a barrier is laid, he can be apprehended.

Learned counsel for the petitioner further submits that, thereafter, information was sent to the Police Station and the petitioner was arrested and 1000 tablets of Tramadol were recovered.

Learned counsel for the petitioner further submits that an FIR No.92 dated 18.10.2020 under Sections 22/29/61/85 of the NDPS Act was also

registered against the petitioner in the same Police Station and on the very next day, the present FIR has been registered.

Learned counsel for the petitioner further submits that he has been falsely implicated in the present case.

Learned State counsel has filed the custody certificate in the Court today, and as per the same, the petitioner is in custody for the last about 08 months and 17 days.

Learned State counsel on the basis of the affidavit of the Deputy Superintendent of Police, Sub-Division, Dhuri, District Sangrur, has reiterated the facts of the present FIR No.93 dated 19.10.2020. It is also stated that after the petitioner was apprehended by ASI Jagar Singh, he opened the polythene bag and found the intoxicant tablets.

Learned State counsel further submits that challan has been presented and charges are yet to be framed.

In reply, learned counsel for the petitioner submits that it will be a matter of trial whether a proper procedure was followed or not as ASI Jagar Singh is the complainant as well as the Investigating Officer and he has himself conducted the search without calling the second Investigating Office.

Learned counsel for the petitioner further submits that since it will take a long time in conclusion of the trial, the petitioner may be granted concession of regular bail.

I have heard learned counsel for the parties.

Without commenting anything on the merits of the case and considering the submissions made by learned counsel for the parties, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his

furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

12.07.2021

Chetan Thakur

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No