

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42913-2020 (O&M)

Date of decision: 21.09.2021

Gurmeet Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Munish Gulati, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 2nd petition is for grant of regular bail in FIR No.21 dated 27.03.2020 under Section 22 of NDPS Act, registered at Police Station City Zira, District Ferozepur; earlier one was disposed of vide order dated 10.08.2020, by granting interim bail till awaiting FSL report.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of SI Gurjit Singh, he, while on patrol duty

with his co-officials, noticed a person coming on feet, holding a transparent polythene bag in his right hand. On seeing the police party, he became perplexed and by throwing the polythene bag, he tried to escape. He was apprehended by the complainant with the help of his co-officials and on inquiry, he disclosed his name as Gurmeet Singh. Thereafter, the complainant searched the polythene bag, which was thrown in the fields and from the bag, a packet of intoxicant tablets of Clovidol SR 100 total 1000 tablets was recovered.

Learned counsel for the petitioner further submits that the petitioner is first offender and is in custody for the last 01 year, 02 months and 23 days. It is further submitted that challan was presented on 02.03.2021 and the trial is not commenced, as the charges have not been framed, therefore, it will take some time in conclusion of the trial.

Learned counsel, with reference to the FIR, submits that though it was a case of chance recovery, however, the Investigating Officer, who himself is the complainant, on seeing the intoxicant tablets, was required to comply with the provisions of Section 42 of NDPS Act and neither any special report nor any ruqa was sent to the police station and after recovering the tablets, he made a request for sending second Investigating Officer.

Learned State counsel has filed the custody certificate dated 20.09.2021 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 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

21.09.2021
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No