

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-49339-2021
Date of decision: 30.11.2021**

Gurdeep Singh @ Laddi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Gopal Singh Nahel, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 245 dated 28.12.2019, registered under Section 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Sadar Sangrur, District Sangrur.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police party headed by ASI Surender Singh, while on a patrol duty, noticed a person (the petitioner herein) coming on foot carrying a heavy polythene bag in his right hand. On seeing the police party, he threw the said on the side of the road and tried to run away, however, he was apprehended by the police. Thereafter, a ruqa was sent to the police station for registration of the FIR on suspicion that the petitioner was carrying intoxicant tablets and then SI Avtar Singh was deputed to carry on the further investigation and recovery of 1700 tablets of Clovidol-100 SR was effected.

Learned counsel further submits that the investigation is complete; petitioner is in judicial custody for the last 01 year and 11 months and it will be a matter of trial whether proper procedure has been followed or not as it is the case of the prosecution that the bag was thrown and the recovery was effected after picking up the said bag from the road.

Learned counsel further submits that petitioner is not involved in any other case and he is a first offender.

Learned State counsel has filed the custody certificate and submitted that a proper procedure was followed, however, it is not disputed that despite the fact that challan was presented on 23.06.2020, charges have been framed only on 16.09.2021 as the trial, in the intervening period, was delayed due to COVID-19 situation in the country and out of total 18 prosecution witnesses, none has been examined so far.

After hearing learned counsel for the parties, without making any comment on the merits of the case, considering the fact that petitioner is in long judicial custody; he is not involved in any other case; the trial is likely to take a long time in its conclusion as out of total 18 prosecution witnesses, none has been examined so far and also in view of the fact that it will be a matter of trial whether a proper procedure was followed or not during investigation, 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.

30.11.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*