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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.53064 of 2021 (O&M)
Decided on: 23.12.2021

Gurnam Singh @ Gama @ Gopi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Lavanya Gupta, 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 to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.67 dated 18.05.2021, for offence punishable under Section 22 of the NDPS Act, registered at Police Station Mehtapur, District Jalandhar.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of ASI Satpal Singh, a young person was apprehended on the basis of suspicion of carrying narcotic substance and he disclosed his name as Gurnam Singh @ Gama @ Gopi i.e. the petitioner and after giving a notice under Section 50 of the NDPS Act, the consent of the petitioner was taken by the same Investigating Officer and then, upon search of the petitioner, 11 injections of Buprenorphine were recovered. It is also submitted that the petitioner is the first offender and he is not involved in any other

case.

Counsel for the petitioner has further submitted that 20 ml is the commercial quantity and the recovery is of 22 ml only, which is marginally higher than the same. It is also submitted that the investigation is complete; the challan stands presented and the petitioner is in custody for the last 06 months.

Counsel for the State has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the complainant is also the Investigating Officer, who himself conducted the search and therefore, it will be a matter of trial whether Section 42 of the NDPS Act has been complied with or not and also in view of the fact that the petitioner is not involved in any other case; he is in custody for the last 06 months; challan stands presented and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

23.12.2021

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No