

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

**CRM-M-46418-2019
Date of decision: 29.06.2021**

Gurdev Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ajay Arora Bharti, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

(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. 287 dated 26.07.2019, registered under Section 22C/61 of the Narcotic Drugs & Psychotropic Substances Act at Police Station Rania, District Sirsa.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police party, while on patrol duty, noticed a young person coming on a motorcycle, who, on seeing the police party, stopped his motorcycle and tried to turn it back and in that process, he left his motorcycle and started running back. One plastic bag was hanging on the handle of the motorcycle, which fell down. The police party apprehended the said person and he disclose his name as 'Gurdev Singh' i.e. the present petitioner. On checking the polythene bag, 790 capsules Tramadol were recovered.

Learned counsel further submits that it will be a matter of trial whether proper procedure under Sections 42 and 50 of the NDPS Act was followed or not. It is further submitted that even the information was sent to the police station after conducting the search and, therefore, no second Investigating Officer was called.

Learned counsel further submits that petitioner is not facing any other trial under the NDPS Act and he is in judicial custody for the last about 01 year and 11 months and the trial is delayed due to COVID-19 situation.

Learned State counsel has filed the custody certificate, as per which, the petitioner is in judicial custody for the last 01 years, 11 months and 02 days and he stands acquitted in one another FIR of 2019, which was under Section 22-B of the NDPS Act.

Learned State counsel further submits that though charges were framed way back on 15.01.2020, however, due to COVID-19 situation, till date no prosecution witness has been examined.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in long judicial custody and also in view of the fact that till date no prosecution witness has been examined, 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.

29.06.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*