

In virtual Court

CRM-M-50526-2019

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50526-2019 (O&M)
Date of decision: 20.07.2021

Shinderpal Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. L.S. Sekhon, 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 in FIR No.205 dated 21.09.2019 under Section 22 of NDPS Act, registered at Police Station City Sunam, District Sangrur.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police party headed by ASI Hardeep Singh received a secret information that the petitioner along with co-accused are habitual of selling intoxicant substance and they are coming in a Swift car bearing registration No.PB-13BB-5668 and if a barrier is laid, they can be apprehended. Upon this, police party, on seeing the car, stopped it. Driver of the car disclosed his name

as Jograj Singh @ Joga and the person sitting on the conductor seat disclosed his name as Shinderpal Singh. A ruqa was sent to the police station and thereafter, the accused persons were arrested. After following the procedure, notice under Section 50 of NDPS Act was served and search of the car was conducted and from its dicci, a plastic bag containing 21000 intoxicant tablets of Clovidol 100 SR, was recovered.

Learned counsel for the petitioner has argued that the petitioner is in custody for the last 01 year, 09 months and 24 days and he is neither owner nor driver of the car, as during the investigation, it was found that the car belongs to one Lakho and co-accused Jograj Singh @ Joga is real nephew of said Lakho and he was driving the car, therefore, it will be a matter of trial whether the petitioner was having knowledge and was in conscious possession of the contraband. It is further submitted that after receiving the secret information, the police has only sent a ruqa, therefore, mandatory requirement under Section 42 of NDPS Act is not made and it will also be a matter of trial whether the proper procedure was followed or not. It is also submitted that the petitioner is not involved in any other case.

Learned State counsel has filed the custody certificate dated 20.07.2021 in the Court today. As per this custody certificate, the petitioner is in custody for the last 01 year, 09 months and 24 days. It is submitted that out of total 15 prosecution witnesses, none has been examined so far.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner is in

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long custody; he is not involved in any other case and it will take some time in conclusion as the trial is delayed due to COVID-19 situation, 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/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

**[ARVIND SINGH SANGWAN]
JUDGE**

20.07.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No