

236

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

CRM-M No.3008 of 2022 (O&M)

Date of decision: 05.04.2022

Agyapal Singh @ Preety

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ashish Aggarwal, 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 to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.102 dated 25.08.2020, registered under Sections 21, 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') at Police Station Special Task Force, STF Wing, District S.A.S. Nagar, Mohali.

Counsel for the petitioner has submitted that as per the allegations in the FIR, the police party, while on petrol duty received a secret information that the petitioner namely Agyapal Singh @ Preety is coming on a motorcycle for supplying Heroin to someone. On the basis of the same, an information was sent to the Police Station for registration of the FIR and thereafter, the petitioner was apprehended and 255 gms of Heroin was recovered. Counsel for the petitioner has also submitted that it will be a matter of trial whether Section 42 and

50 of the NDPS Act have been properly complied with or not. It is also argued that the petitioner is in custody for the last 01 year, 07 months and 06 months and out of 14 PWs, no PW has been examined and the conclusion of the trial will take long time.

Counsel for the State on the basis of the Custody Certificate 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 petitioner is in custody for the last 01 year, 07 months and 06 months; out of 14 PWs, no PW has yet been examined; the custodial interrogation of the petitioner is not required and the conclusion of the trial will 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/Illaqa 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

05.04.2022
yakub

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No