

In virtual Court

CRM-M-3188-2022

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-3188-2022 (O&M)
Date of decision: 01.02.2022

Surjit Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. P.S. Jammu, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.93 dated 05.10.2018 under Section 22/61 of NDPS Act, registered at Police Station Rori, District Sirsa.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of SI Desh Raj, while on patrol duty, a person was seen coming on feet, holding a bag of cloth in his right hand and on seeing the police party, he became perplexed and ran away. He was overpowered by the police and disclosed his name as Surjit Singh. On opening the bag, 396 intoxicant tablets were recovered and thereafter, information was sent to Drug

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Inspector and then to the police. It is further submitted that the petitioner is in custody of 03 years, 03 months and 26 days; he is not involved in any other case; only 04 prosecution witnesses have been examined prior to 2020, when the lockdown was imposed and the trial is at the standstill. It is also submitted that there are moot points to be decided during the trial whether Sections 42 & 50 of NDPS Act were complied with as well as the fact that the complainant and the Investigating Officer are the same person and the information to the police station was sent after effecting the recovery or not.

Learned State counsel, on the basis of custody certificate dated 01.02.2022 filed in the Court today, has not disputed the fact that the petitioner is in long custody of more than 03 years and 03 months.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid submissions, 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

01.02.2022
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No