

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

**CRM-M-4921-2022
Date of decision: 11.02.2022**

Gurtej Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. S. S. Sarwara, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(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. 137 dated 01.11.2020, registered under Section 22 of the NDPS Act (Section 29 of the NDPS Act and Section 25 of the Arms Act, 1959 added later on) at Police Station Bhadson, District Patiala.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police party, headed by ASI Balkar Singh, while on patrol duty, stopped a motorcycle on the basis of suspicion. On inquiry, the rider of the said motorcycle disclosed his name as 'Gurtej Singh' i.e. the present petitioner and the pillion rider disclosed his name as 'Sukhjinder Singh'. While checking the documents of the motorcycle, a black color bag, hanging on the left side of the motorcycle, fell down and Tramadol Hydrochloride tablets were seen and total 5000 tablets were recovered.

Learned counsel further submits that though it was a chance

recovery, however, once it was noticed by the Investigating Officer that some intoxicant tablets are there in the said bag, an information was required to be sent to the police station, however, the same was not done, therefore, it will be a matter of trial whether the provisions of Section 42 of the NDPS Act were complied with or not as no second Investigating Officer was called at the spot.

Learned counsel for the petitioner further submits that co-accused Sukhjinder Singh has already been granted the concession of regular bail by this Court, vide order dated 28.01.2022 passed in CRM-M-28145-2021.

Learned counsel further submits that the petitioner is a first offender and his wife has met with a roadside accident and she is in critical condition.

Learned counsel for the petitioner has referred to order dated 13.09.2021 passed in CRM-M-37156-2021 to submit that the petitioner was granted the interim bail for a period of two months and after availing the same, he has surrendered in time and has not misused the interim bail.

It is further submitted that even today, the wife of the petitioner has not made any improvement and as per certificate dated 06.01.2022 issued by Neelam Hospital, she is diagnosed with critical head injury and at that time, she was not conscious (GCS-E4VTMS). It is further reported that she will require continuous care as she is in a vegetative state.

Learned State counsel has filed the custody certificate and has not disputed the factual position. As per custody certificate, the petitioner is in judicial custody for the last 01 year and 20 days and he is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the parties, 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.

11.02.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No