

251

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.17086 of 2022 (O&M)

Date of decision: 02.05.2022

Harjinder Singh @ Vicky

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Gaurav Rana, 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 to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.90 dated 15.07.2021, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') at Police Station Balachaur, District S.B.S. Nagar.

Counsel for the petitioner has relied upon the order dated 07.03.2022 passed in CRM-M No.42295 of 2021, vide which the co-accused of the petitioner namely Rajinder Kumar was granted the concession of bail. The operative part of the said order, reads as follows:-

“Learned counsel for the petitioner submits that as per allegations in the FIR, it is stated that HC Vijay Kumar, while on patrol duty, stopped a motorcycle on suspicion of carrying some intoxicant tablets. On inquiry,

the driver disclosed his name as ' Rajinder Kumar @ Ravi', i.e. the petitioner, and the person sitting as pillion rider, who was holding a plastic bag, disclosed his name as 'Harjinder Singh @ Vicky'. It is further stated in the FIR that the pillion rider has thrown the said bag towards the fields and on checking the same, 24 injections of Buprenorphine, having expiry date as July, 2019, were recovered. Thereafter, HC Vijay Kumar sent a ruqa to the police station and ASI Kewal Krishan came at the spot and conducted the further investigation.

Learned counsel further submits that during investigation, even the personal search of the petitioner was conducted, however, no notice under Section 50 of the NDPS Act was given to him.

Learned counsel further submits that the petitioner is a first offender; he is in judicial custody for the last 07 months and 18 days; challan stands presented on 17.12.2021, however, till date even charges have not been framed.

Learned State counsel has filed the custody certificate and has not disputed the factual position. As per custody certificate, the petitioner is not involved in any other case.”

Counsel for the petitioner has submitted that the petitioner is not involved in any other case and he is in custody for the last 09 months and 15 days.

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 09

months and 15 days; the co-accused of the petitioner is already released on bail; the petitioner is not involved in any other case; 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

02.05.2022
yakub

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