

216

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 17.02.2022

1. CRM-M No.17765 of 2021 (O&M)

Ranjeet Singh @ Mani

....Petitioner

Versus

State of Punjab

....Respondent

2. CRM-M No.24730 of 2021 (O&M)

Gurvinder Singh @ Ginda

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ashok Giri, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in these petitions is for grant of regular bail to the petitioners namely Ranjeet Singh @ Mani and Gurvinder Singh @ Ginda, under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.158 dated 01.12.2020, for offence punishable under Sections 22-C/29 of the NDPS Act, registered at Police Station STF Phase-4, Mohali, District S.A.S. Nagar, Mohali.

Counsel for the petitioners has submitted that as per the allegations in the FIR, registered at the instance of ASI Harbans Singh, a secret information was received that both the petitioners namely

CASE HEARD THROUGH VIDEO CONFERENCING

namely Ranjeet Singh @ Mani and Gurvinder Singh @ Ginda, are indulged in the business of selling intoxicant tablets and are coming in a car and can be apprehended by putting a barrier. Thereafter, a ruqa was sent to the Police Station for registration of the case and both the petitioners were apprehended on a barrier and after giving a notice under Section 50 of the NDPS Act, the recovery of 25 vials of Buprenorphine injections of 02 ml each were effected. It is also submitted that both the petitioners are in custody for the last 01 year, 02 months and 14 days, and the petitioner – Ranjeet Singh @ Mani is not involved in any other case whereas the petitioner – Gurvinder Singh @ Ginda, is involved in one more FIR, however, he is on bail in the said case.

Counsel for the petitioners has also submitted that though the Gazetted Officer was called at the spot, however, it will be a matter of trial whether the procedure for giving the notice; taking consent and then effecting the recovery is in compliance of the provisions of the NDPS Act as there are some discrepancies have been pointed out. Lastly, it is argued that out of 16 PWs, only 08 PWs have been examined.

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 petitioners are in custody for the last 01 year, 02 months and 14 days; the petitioner – Ranjeet Singh @ Mani, is not involved in any other case and the petitioner – Gurvinder Singh @

CASE HEARD THROUGH VIDEO CONFERENCING

Ginda, is on bail in another FIR; the custodial interrogation of the petitioners is not required and the conclusion of the trial will take some time due to COVID-19 situation, the present petitions are allowed and the petitioners namely namely Ranjeet Singh @ Mani and Gurvinder Singh @ Ginda are directed to be released on bail subject to their 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 petitioners, in case they are found involved in any other case or misusing the concession of bail, in any manner.

A photocopy of this order be placed on the file of other connected case.

(ARVIND SINGH SANGWAN)
JUDGE

17.02.2022

yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No