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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.17962 of 2021 (O&M)

Date of decision: 17.02.2022

Bunti Ram

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. B.S. Jatana, 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.0113 dated 31.05.2020, for offence punishable under Sections 22 of the NDPS Act (Section 25 of the NDPS Act, stands deleted later) registered at Police Station Bhikhi, District Mansa.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of ASI Ramphal, that while on petrol duty, 02 persons were seen coming on a motorcycle on a bank of drain, who were stopped on suspicion of carrying some intoxicant substance and thereafter, a message was sent to the Police Station and SI Gurpreet Kaur, came at the spot and enquire about the name of the persons and the driver of the motorcycle disclosed his name as Bunti Ram (petitioner herein) and the pillion rider of the

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motorcycle disclosed his name as Jassi Ram. It is further submitted that after giving a notice, to be searched before a Gazetted Officer or a Magistrate, both of them repose faith on the same Investigating Officer and thereafter, the recovery of 1000 intoxicant tablets were effected.

Counsel for the petitioner has also submitted that the co-accused of the petitioner namely Jassi Ram, who was a juvenile, has already been granted the concession of regular bail. It is further argued that though the notice under Section 50 of the NDPS Act was given, however, the consent of the accused, was taken to be searched before the same Investigating Officer and therefore, it will be a matter of trial whether proper procedure has been followed or not.

Counsel for the petitioner has further submitted that the petitioner is in custody for the last 01 year, 02 months and 02 days and he is not involved in any other case. Lastly, it is submitted that charges were framed on 25.03.2021 and out of 18 PWs, no PW has been examined so far.

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, 02 months and 02 days; the co-accused of the petitioner is already released on bail; the petitioner is not involved in any other case; no PW has been examined, so far; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is

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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

17.02.2022
yakub

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