

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

CRM-M-18068-2021 (O&amp;M)

Date of decision: 21.04.2022

**Talwinder Singh****...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Ms. Manpreet Ghuman, Advocate  
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

**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. 255 dated 21.12.2020, registered under Section 22, 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Amargarh, District Sangrur.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of ASI Harjit Singh, it is stated that while on a patrol duty, a person was seen coming on foot carrying a transparent polythene bag. On seeing the police party, the said person became perplexed and tried to turn back, however, he was apprehended. On inquiry, he disclosed his name as 'Talwinder Singh' i.e. the present petitioner. It is further stated in the FIR that the intoxicant tablets were clearly visible in the said polythene bag. Thereafter, a *ruqa* was sent to the police and SI Gurpreet Kaur reached at the spot.

Learned counsel further submits that it will be a matter of trial

whether, after the *ruqa* was sent to the police and there was a doubt that the polythene bag is containing intoxicant tablets, the provisions of Section 50 of the NDPS Act were complied with or not as no notice was given to the petitioner.

Learned counsel further submits that the petitioner is in judicial custody for the last about 01 year and 04 months and conclusion of trial is likely to take a long time as out of total 10 prosecution witnesses, only 03 witnesses have been examined so far.

Reply, filed by way of the affidavit of the Investigating Officer, is on record, vide which, there is no mention that any notice under Section 50 of the NDPS Act was given to the petitioner before conducting the personal search.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last about 01 year and 04 months; conclusion of trial is likely to take some time and also in view of the above arguable point raised by learned counsel for the petitioner, 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/Illaq Magistrate, concerned.

**21.04.2022**

*Waseem Ansari*

**(ARVIND SINGH SANGWAN)  
JUDGE**

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*