

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18675-2021 (O&M)

Date of decision: 25.05.2022

Gurjeet Singh @ Lallu

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Gaurav Sethi, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.485 dated 19.11.2020 under Sections 21/29 of NDPS Act, registered at Police Station Mahesh Nagar, District Ambala.

Learned counsel for the petitioner submits that the FIR was registered at the instance of SI Gurdarshan Singh with the allegations that while on patrol duty, he received a secret information that petitioner Gurjeet Singh @ Lallu is in the business of selling intoxicant capsules and if he is apprehended, recovery can be effected from him. On receiving such information, ruqa was sent to the police station for registration of FIR. Thereafter, barricading was done and a person was seen coming on feet holding a carry bag in his right

hand. On suspicion, he was apprehended and disclosed his name as Gurjeet Singh @ Lallu. He was served with a notice under Section 50 of NDPS Act giving offer to be searched before a Magistrate or a Gazetted Officer, in which he gave his option to be searched before a Magistrate, however, the Investigating Officer called a Gazetted Officer i.e. BDPO, Ambala and in his presence, further investigation was done and recovery of 864 capsules of spasma-proxyvon plus having the salt of tramadol, was effected.

Learned counsel further submits that the petitioner is in custody for the last about 01 year and 06 months; he is first offender and is not involved in any other case. It is also submitted that despite consent of the petitioner that he wants himself to be searched before a Magistrate, his search was conducted in presence of a Gazetted Officer and complainant SI Gurdarshan Singh throughout remained the Investigating Officer and no second Investigating Officer was called, therefore, it will be a matter of trial whether during the investigation proper procedure was followed or not. It is next submitted that out of total 14 prosecution witnesses, only 01 PW has been examined; the trial was delayed substantially due to COVID-19 situation and it will take some time in conclusion.

Learned State counsel has filed the custody certificate in the Court today and as per allegations in the FIR, could not dispute the factual position.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the

satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

25.05.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No