

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20347-2022 (O&M)

Date of decision: 14.07.2022

Varinder Kumar @ Gaggi

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. J.S. Sandhu, Advocate and
Mr. Abhinav Prashar, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 2nd petition is for grant of regular bail in FIR No.68 dated 17.06.2019 under Sections 22 & 25 of NDPS Act, registered at Police Station Nehinanwala Bathinda, District Bathinda; earlier one was dismissed as withdrawn on 23.02.2022.

Learned counsel for the petitioner submits that new ground for filing this second petition is that the petitioner is in long custody. It is further submitted that as per allegations in the FIR, registered at the instance of ASI Parminder Singh, while on patrol duty, a clean shaven person was seen sitting on a scooter and on seeing the police party, he became perplexed and started

riding on scooter towards the village by throwing the bag, which was hanging on handle of the scooter. On suspicion, he was apprehended and disclosed his name as Varinder Kumar @ Gaggi. From the bag, intoxicant tablets, which have fallen on the earth, were picked up and 2500 intoxicant tablets were recovered. Thereafter, a message was sent to the police station for registration of the FIR.

Learned counsel further submits that before effecting the recovery, no message was sent to the police station for calling a Gazetted Officer on the spot and it will be a matter of trial whether Sections 42 & 50 of NDPS Act have been complied with or not. It is also submitted that the petitioner is in custody for the last about 01 year and 08 months; he is not involved in any other case and out of total 12 prosecution witnesses, only 01 PW has been examined.

Learned State counsel has filed the custody certificate dated 13.07.2022 in the Court today and has not disputed the factual position.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering 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

14.07.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No