

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

**CRM-M-23935-2021
Date of decision: 28.01.2022**

Gurjant Singh alias Janta Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(Through video conferencing)

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. 134 dated 25.11.2020, registered under Sections 22(C) and 29 of the NDPS Act, 1985 at Police Station Valtoha, District Tarn Taran.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of ASI Nirmal Singh, it is stated that while on patrol duty, a young man was seen coming with a polythene bag, who became perplexed on seeing the police party. Thereafter, on suspicion, he was apprehended and on inquiry, he disclosed his name as Gurjant Singh alias Janta Singh, i.e. the present petitioner. Thereafter, the said bag was checked and 1750 intoxicant tablets were recovered.

Learned counsel for the petitioner further submits that petitioner is a first offender; he is in judicial custody for the last more than

01 year; though challan has been presented in May, 2020, however, till date, even charges have not been framed.

Learned counsel further submits that a perusal of the FIR would reflect that after the petitioner was apprehended, no information was sent to the police station, therefore, it will be a matter of trial whether the provisions of Section 50 of the NDPS Act were required to be complied with or not as the complainant and the Investigating Officer are the same.

Learned State counsel has filed the custody certificate and has not disputed the factual position. As per custody certificate, the petitioner is in judicial custody for the last 01 year, 01 month and 08 days and he is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid facts and circumstances as well as the submissions of learned counsel for the parties, 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 concerned.

28.01.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No