

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

CRM-M-27810-2021 (O&M)

Date of decision: 23.03.2022

Pal Singh @ Pala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Karan Choudhary, Advocate &
Mr. Deepak Grover, 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. 43 dated 21.06.2019, registered under Section 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Qadian, District Gurdaspur.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of ASI Kulwinder Singh, while they were on patrol duty and were checking the vehicles, a motorcycle was seen coming from the side of Batala. Two persons were riding on the said motorcycle and he gave a signal to stop, due to which, the said persons became perplexed and turned the motorcycle, however, motorcycle stopped and they were nabbed by the police party. On inquiry, the rider of the

motorcycle disclosed his name as 'Pal Singh @ Pala', i.e. the petitioner, and the pillion rider disclosed his name as 'Gurlal Singh @ Lala'. Thereafter, an information was sent to the police station and SI Jagir Singh came at the spot and 550 intoxicant tablets were recovered from the co-accused and 2000 intoxicant tablets were recovered from the petitioner.

Learned counsel further submits that it will be a matter of trial whether a proper procedure was followed or not while conducting the investigation and search, especially under Section 50 of the NDPS Act.

Learned counsel further submits that the petitioner is a first offender; he is in judicial custody for the last more than 02 years and 03 months and conclusion of trial is likely to take a long time as out of total 12 prosecution witnesses, none has been examined so far.

Reply, by way of the affidavit of the SHO of the police station concerned, is filed today in Court, vide which, after verifying the investigation, it is stated that the petitioner is not involved in any other case.

Learned State counsel has filed the custody certificate, as per which, the petitioner is in judicial custody for the last 02 years, 03 months and 11 days and he is not involved in any other case.

Learned State counsel submits that co-accused Gurlal Singh @ Lala was granted the concession of interim bail and was released on 23.09.2019, however, till date he has not surrendered.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in long judicial custody; he is not involved in any other case and also in view of the fact that conclusion of trial is likely to take some as out of total 12 prosecution witnesses, none has been examined

so far, 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.

23.03.2022
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>