

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28038-2021 (O&M)
Date of decision: 24.01.2022

Tarundeep Singh @ Monu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.S. Khokher, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.376 dated 06.11.2020 under Section 22(c) of NDPS Act, registered at Police Station Lambi, District Sri Muktsar Sahib.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of SI Daljeet Singh, while on patrol duty, a person was noticed carrying a black coloured bag in his right hand and on suspicion of carrying some intoxicant substance, he was stopped and then a request was sent for deputing some senior officer. Thereafter, the person disclosed his name as Tarundeep Singh @ Monu (petitioner) and after giving notice under Section 50 of NDPS Act, DSP was called at the spot and recovery

of 2500 intoxicant tablets was effected.

Learned counsel for the petitioner further submits that the petitioner is aged about 22 years and his entire future is at stake; he is in custody for the last 01 year, 02 months and 14 days; he is first offender and he is a student as per fee receipt (Annexure P-3). It is also submitted that there are many loopholes in the investigation, which will be a matter of trial regarding the manner, in which the recovery was effected in the absence of any independent witness and regarding compliance of Sections 42 & 50 of NDPS Act.

Learned counsel has further submitted that though the charges have been framed, however, till date, out of total 15 prosecution witnesses, none has been examined and due to COVID-19 situation, it will take some time in conclusion of the trial.

Learned State counsel, on the basis of custody certificate dated 22.01.2022 filed in the Court today, has not disputed the factual position, however, it is submitted that the recovery is of commercial quantity.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner is a young man; he is a student; he is first offender and it will be a matter of trial whether proper procedure was followed by the Investigating Officer or not and also in view of the fact that the petitioner is in custody for the last 01 year, 02 months and 14 days; out of 16 prosecution witnesses, none has been examined and it will take some time in conclusion of the trial due to COVID-19 situation, 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/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

24.01.2022

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No