

217

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

CRM-M No.27897 of 2021 (O&M)

Date of decision: 23.02.2022

Bhagwan Singh @ Gora

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Jasdeep Singh, Advocate
for the petitioner.

Mr. A.P.S. Gill, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.18 dated 27.02.2021, for offence punishable under Sections 22 of the NDPS Act registered at Police Station Sadar Rampura, District Bathinda.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of SI Parminder Kaur, it is stated that while on a petrol duty, a person was seen sitting on a parked scooter and on seeing the police party, he started running away and in that process, some intoxicant strips have fallen from his scooter and thereafter, he was apprehended by the police party and on checking the same, 900 intoxicant tablets of CLOVIDOL 100-SR were recovered.

Counsel for the petitioner has further submitted that a bare perusal of the FIR would reveal that after the petitioner was apprehended, neither any notice under Section 50 of the NDPS Act was given nor any information under Section 42 of the NDPS Act, was sent to the Police Station and the entire recovery was effected by the same Investigating Officer and no ruqa was sent to the Police Station and therefore, it will be a matter of trial whether Sections 42 and 50 of the

NDPS Act have been properly complied with or not. It is further submitted that the petitioner is in custody for the last about 01 year and he is suffering from 60% permanent disability as per the Unique Disability ID, issued by Government of India. Lastly, it is submitted that the petitioner is not involved in any other case and no PW has been examined so far.

Counsel for the State could not dispute the contents of the Fir and the fact that the petitioner is not involved in any other case but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last about 01 year; the petitioner is not involved in any other case; he is a handicapped person with 60% permanent disability; the custodial interrogation of the petitioner is not required; no PW has been examined and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

23.02.2022

yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No