

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

CRM-M-28533-2021 (O&M)

Date of decision: 20.04.2022

Davinder Singh @ Gaggi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. H. S. Jalal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

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. 9 dated 26.01.2021, registered under Section 22(c) of the NDPS Act, 1985 at Police Station Civil Line, District Bathinda.

Learned counsel for the petitioner submits that the police party, headed by ASI Harbhajan Singh, while on patrol duty, stopped a car and the driver of the car tried to turn back the car, however, the engine of the car stopped. On inquiry, the driver disclosed his name as 'Davinder Singh @ Gaggi' i.e. the present petitioner and the person, sitting on the rear seat of the car, disclosed his name as 'Rajwinder Singh @ Raju'. Thereafter, an information was sent to the police station and a second Investigating Officer was called at the spot, who by giving notice to both the occupants, carried out the search.

Learned counsel further submits that when the second

Investigating Officer reached at the spot, he again inquired about the name of the accused persons and found that co-accused Rajwinder Singh @ Raju was sitting on the rear seat with a plastic bag, which on search was found to be containing 85 vials of *Wincirex-100 ML* and 650 tablets of *Carisoma*.

Learned counsel further submits that it will be a matter of trial whether the petitioner was in conscious possession of the contraband recovered or not as co-accused Rajwinder Singh @ Raju has taken a lift from the petitioner and the petitioner was not aware of the articles being carried by him.

Learned counsel for the petitioner relies upon a medical report, submitted by the Medical Officer, Central Jail, Bathinda to submit that the petitioner is under constant medical treatment.

Learned counsel further submits that the petitioner is in judicial custody for the last 01 year, 01 month and 10 days and he is not involved in any other case.

Learned State counsel, on the basis of the certificate as well as the report of the Medical Officer, Central Jail, Bathinda, has not disputed the factual position. He has submitted that out of total 15 prosecution witnesses, none has been examined so far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last 01 year, 01 month and 10 days; he is not involved in any other case and also in view of the fact that the conclusion of trial is likely to take a long time as no prosecution witness 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/Illaqa Magistrate, concerned.

20.04.2022
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No