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

CRM-M No.29622 of 2021 (O&M)

Date of decision: 19.07.2022

Manpreet Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. J.S. Sandhu, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this 2nd 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.114 dated 17.07.2020, registered under Section 22-C of the NDPS Act, at Police Station Odhan, District Sirsa.

Counsel for the petitioner has submitted that the new ground for filing this petition is that as on today, the custody of the petitioner is more than 02 years and out of 15 PWs, only 03 PWs have been examined and it will take some time in conclusion of the trial.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of ASI Charanjit Singh, it is stated that while on petrol duty, a young man was seen walking at some distance and on seeing the police party, he became perplexed and tried to escape, however, he was apprehended and disclosed his name as Manpreet Singh. On suspicion that he is carrying some narcotic

substance in the plastic bag, which he was carrying in his right hand, a notice under Section 50 of the NDPS Act was served, on which the petitioner gave consent to be searched before a Gazetted Officer and thereafter, the Gazetted Officer was called at the spot and recovery of 1000 tablets of TREDOL-100 was effected. Thereafter, the same Investigating Officer completed the investigation at the spot and prepared the relevant memos regarding the search, personal search as well as recovery memo and only thereafter, a ruqa was sent to the Police Station for registration of the case. It is also submitted that it will be a matter of trial, whether the complainant, who himself if the Investigating Officer was required to comply with Section 42 of the NDPS Act immediately, after apprehending the petitioner. Lastly, it is argued that since the petitioner is in long custody for more than 02 years and out of 15 PWs, only 03 PWs have been examined, he may be granted the concession of bail.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail on the ground that the petitioner is involved in 02 more case, however, he is on bail in those cases.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last more than 02 years; the custodial interrogation of the petitioner is not required; out of 15 PWs, only 03 PWs have been examined so far and the conclusion of the trial will take some time, 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/Illaqa

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

19.07.2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No