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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.31557 of 2021 (O&M)

Date of decision: 10.02.2022

Amrik Ram

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. J.P.S. Brar, 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 to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.19 dated 01.03.2021, for offence punishable under Section 22 of the NDPS Act, registered at Police Station Sadar Rampura, District Bathinda.

Counsel for the petitioner has argued that as per the allegations in the FIR, ASI Baljit Pal, while on a petrol duty along with his co-officials, had apprehended one person coming on a motorcycle on suspicion. He disclosed his named as Amrik Ram i.e. the petitioner, and was found carrying one black colour polythene bag, hanging on the handle of the motorcycle, from which 2000 intoxicant tablets of TRAMADOL HYDROCHLORIDE were recovered. It is further submitted that though it was a case of chance recovery, still no

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information was sent to the Police Station before conducting the further investigation 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.

Counsel for the petitioner has further submitted that the same Investigating Officer without giving any information to the Police Station, further continued with the investigation and completed the same and therefore, again it will be a matter of trial, whether the complainant and the Investigating Officer being the same person, without following the procedure, proper investigation is conducted or not.

Lastly, it is submitted that the petitioner is in custody for the last about 11 months and 11 days, the petitioner is not involved in any other case and out of 14 prosecution witnesses, none has been examined, so far.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position 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 11 months and 11 days; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required 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

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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**

10.02.2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No