

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35910-2021 (O&M)
Date of decision: 22.03.2022

Prem Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Hem Raj Kapil, 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.29 dated 23.04.2021 under Sections 22/25/61/85 of NDPS Act, registered at Police Station Bhadaur, District Barnala.

Learned counsel for the petitioner submits that the FIR was registered at the instance of SI Jagdev Singh with the allegations that while on patrol duty, he received a secret information that petitioner Prem Kumar is habitual of buying and selling of intoxicant tablets and is coming on a motorcycle and can be nabbed with heavy quantity of intoxicant tablets. On receiving such information, a ruqa was sent to the police station for registration of the FIR and thereafter, SI Gurjant Singh came at the spot and conducted

further investigation. A notice under Section 50 of NDPS Act was served, in which the petitioner reposed confidence in the same Investigating Officer/SI Gurjant Singh, who conducted further investigation and recovered 1000 intoxicant tablets from him, therefore, it will be a matter of trial whether proper procedure has been followed or not. It is also submitted that the petitioner is in custody for the last 10 months and 29 days; he is not involved in any other case; charges have been framed on 20.08.2021 and out of total 11 prosecution witnesses, none has been examined and the trial is delayed due to COVID-19 situation.

Learned State counsel has filed the custody certificate dated 21.03.2022 in the Court today and has not disputed the factual position.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case, 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/Illaq Magistrate/Duty Magistrate, concerned.

[ARVIND SINGH SANGWAN]
JUDGE

22.03.2022
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No