

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38094-2021 (O&M)
Date of decision: 25.04.2022

Dharminder Singh @ Kaka

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Varun Mittal, 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.168 dated 07.12.2020 under Sections 22/61/85 of NDPS Act, registered at Police Station Barnala, District Barnala.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of ASI Gurpal Singh, while on patrol duty, he received a secret information that two persons i.e. Mani Singh and Dharminder Singh @ Kaka are involved in the business of selling intoxicant tablets. Thereafter, a ruqa was sent to the police station for registration of FIR and SI Gulab Singh was deputed, who apprehended the petitioner and effected the recovery of 1500 tablets of Tramadol. It is further submitted that challan was presented on 23.02.2021; charges were framed on 23.09.2021, however, out of

total 12 prosecution witnesses, none has been examined so far. It is also submitted that it will be a matter of trial, while giving notice under Section 50 of NDPS Act, whether proper procedure was followed by the Investigating Officer or not.

Learned State counsel, on the basis of the custody certificate filed in the Court today, has not disputed the factual position. As per custody certificate, the petitioner is in custody for the last 01 year, 04 months and 15 days, though he is not involved in any other case under NDPS Act, however, he is involved in three FIRs under IPC and is on bail.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner is in long custody and since out of total 12 prosecution witnesses, none has been examined so far, therefore, it will take some time in conclusion of the trial, 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, concerned.

[ARVIND SINGH SANGWAN]
JUDGE

25.04.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No