

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38299-2021 (O&M)
Date of decision: 22.03.2022

Sawan

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. V.K. Gupta, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.20 dated 22.01.2021 under Sections 8/21(b)/22 of NDPS Act, registered at Police Station Purani Sabzi Mandi, Rohtak, District Rohtak.

Learned counsel for the petitioner submits that the FIR was registered at the instance of ASI Rajesh with the allegations that while on patrol duty, he received a secret information that petitioner Sawan is indulged in selling of intoxicant tablets and is going towards cremation ground and can be apprehended with the same. On receiving such information, a ruqa was sent to the police station for registration of the FIR and thereafter, by preparing a raiding party, the petitioner was apprehended while coming on a scooter and

after disclosing his identity, from the scooter, a plastic bag was found and a notice under Section 50 of NDPS Act was given for search before a Magistrate or Gazetted Officer. Thereafter, 120 bottles of Wincirex 100 ml each were recovered.

Learned counsel has argued that though a ruqa was sent to the police station, however, the petitioner was apprehended prior to coming of second Investigating Officer or Gazetted Officer, therefore, it will be a matter of trial whether proper procedure has been followed or not. It is further submitted that the petitioner is in custody for the last 01 year, 01 month and 29 days; he is not involved in any other case; charges are yet to be framed and out of total 18 prosecution witnesses, none has been examined, therefore, it will take some time in conclusion of the trial.

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