

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

1. CRM-M-36191-2020 (O&M)

Ajay Kumar

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-36274-2021 (O&M)

Jalvir Singh @ Ganja

...Petitioner

Versus

State of Punjab

...Respondent

Date of decision: 25.04.2022

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. P. K. S. Phoolka, Advocate
for the petitioner in CRM-M-36191-2020.

Mr. J. S. Sandhu, Advocate
for the petitioner in CRM-M-36274-2021.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted two petitions
as they arise out of the same FIR.

Prayer in these petitions, filed under Section 439 of the Code of
Criminal Procedure, is for grant of regular bail to petitioners Ajay Kumar
and Jalvir Singh @ Ganja in case FIR No. 165 dated 31.07.2020, registered
under Section 22 of the Narcotic Drugs & Psychotropic Substances Act,

1985 at Police Station Canal Colony Bathinda, District Bathinda.

Learned counsels for the petitioner submit that as per allegations in the FIR, registered at the instance of ASI Bhupinder Singh, it is stated that while on a patrol duty along with other co-officials, they noticed two persons carrying a transparent polythene bag with orange color tablets, which were visible. On seeing the police party, they became perplexed and tried to run away, however, they were apprehended by the police party. On inquiry, the first person disclosed his name as 'Jalvir Singh @ Ganja' i.e. the petitioner in CRM-M-36274-2021 and the second person disclosed his name as 'Ajay Kumar' i.e. the petitioner in CRM-M-36191-2020. Thereafter, a ruqa was sent to the police station for registration of the FIR and a second Investigating Officer came at the spot.

It is further submitted that once a ruqa was sent to the police station and the FIR was registered, the police came to know that the investigation is being carried out with regard to some narcotic substance and, therefore, it will be a matter of trial whether the provisions of Section 50 of the NDPS Act were complied with or not as in the instant cases, no such procedure was followed.

Learned counsels further submit that both the petitioners are in judicial custody for the last 01 year, 06 months and 06 days and they are not involved in any other cases. It is further submitted that conclusion of trial is likely to take a long time as out of total 10 prosecution witnesses, none has been examined so far, though the charges were framed on 15.01.2021.

Learned State counsel has filed the custody certificates and has not disputed the factual position. As per custody certificates, the petitioners are in judicial custody for the last 01 year, 06 months and 06 days and they

are not involved in any other cases.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that the petitioners are in judicial custody for 01 year, 06 months and 06 days; they are not involved in any other cases and also in view of the fact that conclusion of trial is likely to take some time as out of total 10 prosecution witnesses, none has been examined so far, the instant petitions are allowed. Petitioners Ajay Kumar and Jalvir Singh @ Ganja are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate concerned.

A photocopy of this order be placed on the file of other connected case.

25.04.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No