

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

CRM-M-42295-2021 (O&M)

Date of decision: 07.03.2022

Rajinder Kumar @ Ravi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Amandeep Saini, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 90 dated 15.07.2021, registered under Section 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Balachaur, District S.B.S. Nagar.

Learned counsel for the petitioner submits that as per allegations in the FIR, it is stated that HC Vijay Kumar, while on patrol duty, stopped a motorcycle on suspicion of carrying some intoxicant tablets. On inquiry, the driver disclosed his name as 'Rajinder Kumar @ Ravi', i.e. the petitioner, and the person sitting as pillion rider, who was holding a plastic bag, disclosed his name as 'Harjinder Singh @ Vicky'. It is further stated in the FIR that the pillion rider has thrown the said bag towards the fields and on checking the same, 24 injections of Buprenorphine, having expiry date as July, 2019, were recovered. Thereafter, HC Vijay Kumar sent

a ruqa to the police station and ASI Kewal Krishan came at the spot and conducted the further investigation.

Learned counsel further submits that during investigation, even the personal search of the petitioner was conducted, however, no notice under Section 50 of the NDPS Act was given to him.

Learned counsel further submits that the petitioner is a first offender; he is in judicial custody for the last 07 months and 18 days; challan stands presented on 17.12.2021, however, till date even charges have not been framed.

Learned State counsel has filed the custody certificate and has not disputed the factual position. As per custody certificate, the petitioner is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is a first offender; he is in judicial custody for the last 07 months and 18 days and also in view of the fact that conclusion of trial is likely to take some time as even charges have not been framed so far; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

07.03.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No