

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43795-2021 (O&M)
Date of decision: 28.03.2022

Satish Kumar @ Parwej @ Tayaya

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. K.S. Brar, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 3rd petition is for grant of regular bail in FIR No.157 dated 02.09.2020 under Section 22(c) of NDPS Act, registered at Police Station Kotwali, Bathinda, District Bathinda; earlier two were dismissed as withdrawn on 24.02.2021 and 08.07.2021.

Learned counsel for the petitioner submits that the petitioner is in custody for the last 01 year, 06 months and 21 days; he is first offender and out of total 13 prosecution witnesses, only two PWs have been examined. It is further submitted that as per allegations in the FIR, registered at the instance of SI Bhupinder Singh, while on patrol duty, he noticed that one person riding a motorcycle was coming towards the police party and on seeing the police party, he became perplexed and tried to escape by leaving the motorcycle at the spot,

however, he was apprehended and disclosed his name as Satish @ Parvesh @ Tia. On having suspicion of carrying some intoxicant substance, he was given a notice under Section 50 of NDPS Act to be searched before a Gazetted Officer, however, he reposed confidence in the same Investigating Officer and allowed to conduct his personal search/search of the motorcycle and 2500 intoxicant tablets were recovered.

Learned counsel has argued that after the petitioner was apprehended, on suspicion of carrying intoxicant substance, no information under Section 42 of NDPS Act was sent to the police station for registration of FIR. It is further argued that since no Gazetted Officer was called at the spot, as per consent memo of the petitioner, he reposed confidence in the same Investigating Officer.

Learned State counsel, on the basis of custody certificate dated 26.03.2022 filed in the Court today, 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.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

28.03.2022
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No