

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47656-2021 (O&M)

Date of decision: 07.07.2022

Kamaljit Kumar @ Bablu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. N.K. Vashisht, 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.87 dated 18.07.2019 under Section 22 of NDPS Act, registered at Police Station Division No.8, Jalandhar, District Jalandhar.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of ASI Jaswinder Singh, while on patrol duty, an information was received that Vishal Chopra and Kamaljit Kumar @ Bablu are indulged in the business of selling intoxicant tablets. Thereafter, ruqa was sent to the police station for registration of FIR and a barrier was laid and the accused persons were apprehended and from them, 5880 tablets of Alprazoma and 432 capsules of Spasmo Proxivon plus were recovered. It is further submitted that though it would be a matter of trial whether provisions of

Sections 42 & 50 of NDPS Act were complied with or not, however, considering the fact that the petitioner is in custody for the last about 03 years and is not involved in any other case, he may be granted the concession of regular bail.

Learned State counsel has filed the affidavit of Investigating Officer/ASI Jaswinder Singh and custody certificate in the Court today. In the affidavit, after verifying contents of the FIR, it is stated that as per FSL report, salt Tramadol Hydrochloride and Alprazolam was found. Learned State counsel, however, submits that out of total 12 prosecuted witnesses, only 01 PW has been examined.

As per the custody certificate, the petitioner is in custody for the last 02 years, 11 months and 22 days and is not involved in any other case.

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

07.07.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No