

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

**CRM-M-52146-2021
Date of decision: 21.04.2022**

Jagjeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. L. S. Sekhon, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

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. 43 dated 31.08.2021, registered under Sections 22 and 27 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station GRP Sangrur, District Sangrur (District Govt. Railway Police).

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of SI Inderjit Singh, it is stated that the police party, while on patrol duty on the railway platform, noticed that a person has deboarded a train and started walking very fast. He tried to run away on seeing the police party and has thrown his backpack on the platform, out of which, strips of tablets/bottles scattered on the ground. He was apprehended and on inquiry, he disclosed his name as 'Jagjeet Singh' i.e. the present petitioner. On search, 10 bottles of Wincires, 100 ML each and 100 tablets of Carisoma were recovered.

Learned counsel further submits that it will be a matter of trial

whether the recovery effected falls under the non-commercial quantity and if the provisions of Section 50 of the NDPS Act were complied with or not as the complainant and the Investigating Officer are the same person.

Learned counsel further submits that the petitioner is a first offender; he is in judicial custody for the last 07 months and 20 days and conclusion of trial is likely to take a long time.

Learned State counsel has filed the custody certificate and has not disputed the factual position.

Reply, filed by way of the affidavit of the DSP, Government Railway Police, Punjab, is on record, wherein it is stated that out of total 12 prosecution witnesses, none has been examined so far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last more than 07 months; he is not involved in any other case and also in view of the fact that conclusion of trial is likely to take some time as out of total 12 prosecution witnesses, none has been examined 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.

21.04.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No