

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54611-2021 (O&M)
Date of decision: 17.05.2022

Gurpreet Singh @ Happy

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.S. Manaise, Advocate
for the petitioner.

Mr. Joginder Pal Rata, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.51 dated 30.05.2021 under Sections 21/22/29 of NDPS Act, registered at Police Station Ghuman, Police District Batala, District Gurdaspur.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of ASI Satnam Singh, while on patrol duty, he received a secret information that Gurpreet Singh @ Happy (petitioner) is roaming in a car bearing registration No.PB-18T-3456 and is carrying heavy quantity of heroin and is waiting for the customers. On receiving such information, same Investigating Officer went towards the market. When he

reached grain market, where he saw the aforementioned car. On seeing the police party, driver tried to turn back the car, however, the same was stopped and thereafter, driver tried to run away, however, he was apprehended by the police. In the meantime, he tried to throw one polythene bag from right pocket of his pant. He disclosed his name as Gurpreet Singh @ Happy. It was suspected the he was carrying some intoxicant substance and thereafter, SI Darshan Singh came at the spot

Learned counsel has argued that immediately thereafter, no ruqa was sent to the police station and same Investigating Officer apprehended the petitioner and sent ruqa, therefore, it will be a matter of trial whether proper procedure has been followed or not. It is further submitted that after second Investigating Officer came at the spot, he conducted the search without following the procedure under Section 50 of NDPS Act, as no such option was given to the petitioner, despite the fact that secret information was already with first Investigating Officer regarding the petitioner, therefore, again it will be a matter of trial whether Section 50 of NDPS Act was properly complied with or not. It is also submitted that the petitioner is in custody for the last 11 months and 15 days and till date, no prosecution witness has been examined.

Learned State counsel has filed the custody certificate in the Court today and could not dispute the fact that out of total 13 prosecution witnesses, none has been examined.

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.

17.05.2022

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[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No