

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

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CRM-M-7573-2022

Date of decision : 28.02.2023

Amandeep Singh @ Amandeep Kumar @ Amna

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Ashok Kumar Sama, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, Asstt. A.G., Punjab
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.74 dated 01.07.2021 registered under Section 22/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Moga, District Moga.

Brief facts of the case are that on 01.07.2021, when the police party headed by ASI Tarsem were going towards Village Daulatpur for doing patrolling duty, they got secret information that Saggi Singh @ Gaggi and Amandeep Singh @ Amna (the petitioner) are selling intoxicant tablets near the canal and if raid be conducted both can be apprehended. On the basis of the said information, the accused were apprehended and on search, 590 intoxicant tablets were recovered from co-accused Saggi Singh @ Gaggi and 500 intoxicant tablets were

recovered from the petitioner.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. In fact the petitioner was picked up from his house and false case of NDPS has been planted on him. The mandatory provisions of NDPS Act were not complied with by the police. No independent witness was joined at the time of alleged recovery. The petitioner is not involved in any other case under the NDPS Act. The petitioner is in custody since 01.07.2021. Challan has been presented and charges have already been framed. However, out of total 14 prosecution witnesses, none has been examined so far. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

On the other hand learned State counsel has opposed the present petition on the ground that the petitioner has been apprehended for having kept in his possession 500 intoxicant tablets without any licence or permit. The petitioner is also involved in another case under the IPC.

Custody certificate dated 28.02.2023 has been filed by learned State counsel in the Court today which is taken on record. As per the custody certificate, the petitioner is in custody for more than 01 year and 07 months.

I have heard learned counsel for the parties and gone through the paper-book.

Keeping in view the facts and circumstances of the case,

custody period of the petitioner, the fact that petitioner is not involved in any other case under the NDPS Act and also the fact that the trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and petitioner- Amandeep Singh @ Amandeep Kumar @ Amna is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

However, State will be at liberty to file application for cancellation of petitioner's bail, if he is found involved in any other case under the NDPS Act during the period of bail.

28.02.2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No