

CRM-M-38476-2023

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2023:PHHC:128340

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(274)

CRM-M-38476-2023 (O&M)
Date of decision: 04.10.2023

Manjinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Saksham Dudeja, Advocate
for the petitioner.

Mr. Maninderjit Singh Bedi, Addl. AG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 2nd petition is for grant of regular bail in FIR No.209 dated 19.11.2018 under Sections 21/22/61/85 of NDPS Act, registered at Police Station Khanna City 2, District Khanna.

Learned counsel for the petitioner submits that new ground is that earlier the petitioner was granted interim bail awaiting FSL report and after receiving the same, he surrendered back in time. It is further submitted that as on today, the petitioner has undergone about 01 year and 11 months and is not involved in any other case and out of total 12 prosecution witnesses, only 04

PWs have been examined.

As per allegations in the FIR, registered at the instance of ASI Shamsheer Singh, while on patrol duty, he saw an Hindu person coming on feet carrying a black coloured bag and on seeing the police party, he became perplexed and tried to turn back and in that process, he thrown the bag. It is further stated in the FIR that when the bag was searched, 39 bottles of Avil injections of 10 ml each were found.

Learned counsel submits that a perusal of the FIR would show that when the petitioner was apprehended and the Investigating Officer had a suspicion that he is carrying intoxicant material, even information under Section 42 of NDPS Act was not sent to the police station, therefore, it will be a matter of trial whether the proper procedure has been followed or not.

Learned State counsel, assisted by ASI Jarnail Singh, on the basis of custody certificate filed in the Court today, has not disputed custody period of the petitioner and the fact that he is not involved in any other case. It is also not disputed that out of total 12 prosecution witnesses, only 04 PWs have been examined till date.

Custody certificate also reflects that after the interim bail was over, the petitioner surrendered back and has not misused the concession.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering 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/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

04.10.2023
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No