

CRM-M-46397-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46397-2023 (O&M)
Date of decision: 20.09.2023

Jatinder Kumar @ Bhushan

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.S. Sandhu, 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.141 dated 13.10.2019 under Section 22 of NDPS Act, registered at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib; earlier one was disposed of on 05.10.2021, granting interim bail to the petitioner.

Learned counsel for the petitioner submits that new ground for filing this second petition is that after granting of interim bail, the petitioner has surrendered before the trial Court in time and thereafter, he has undergone the custody of about 06 months and 08 days and out of total 14 prosecution

witnesses, only 01 PW has been examined. It is further submitted that the petitioner was on interim bail for about 03 years, either due to non-furnishing of FSL report or due to COVID-19 situation and he has not misused the concession and was also regularly appearing before the trial Court.

Learned counsel further submits that as per allegations in the FIR, registered at the instance of ASI Gurmej Singh, while on patrol duty, the petitioner was apprehended and 1000 tablets of tramadol were recovered. It is also submitted that in the FIR, it is mentioned that when an offer was given, consent of the petitioner was recorded that he has faith in the Investigating Officer and his personal search was conducted by the same Investigating Officer without calling a Gazetted Officer before taking the petitioner before the Magistrate, therefore, it will be a matter of trial, whether the same Investigating Officer, who has conducted the personal search, would vitiate the trial or not. It is submitted that the petitioner remained in custody for 04 months, before 14.03.2023, when he was granted interim bail.

Learned State counsel has filed the custody certificate in the Court today and on instructions from ASI Iqbal Singh, has not disputed the fact that out of total 14 prosecution witnesses, only 01 PW has been examined.

A perusal of the custody certificate shows that the petitioner is not involved in any other case.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering aforesaid facts and

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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.

20.09.2023
vishnu

**[ARVIND SINGH SANGWAN]
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No