

(2021) 03 P&H CK 0241

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous Petition (M) No. 2617 Of 2021 (O&M)

Gurdit Singh @ Geetu

APPELLANT

Vs

State Of Punjab

RESPONDENT

Date of Decision: March 19, 2021

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 482
- Narcotic Drugs And Psychotropic Substances Act, 1985 - Section 15, 25, 29, 50

Hon'ble Judges: Harnaresh Singh Gill, J

Bench: Single Bench

Advocate: Ruhani Chadha, H.S.Multani

Final Decision: Allowed

Judgement

Harnaresh Singh Gill, J

Case is taken up for hearing through video conferencing.

CRM-7282-2021

This is an application under Section 482 Cr.P.C. for placing on record Annexures P-8 to P-13.

The application is allowed as prayed for. Annexures P-8 to P-13 are taken on record.

CRM-M-2617-2021

The petitioner seeks regular bail in FIR No. 193 dated 22.11.2019 under Sections 15, 25 and 29 of the Narcotic Drugs and Psychotropic Substances

Act, 1985 ('Act' for short) registered at Police Station Kartarpur, District Jalandhar.

Custody certificate by way of affidavit of Superintendent, Central Jail, Kapurthala has been filed through e-mail. Copy of the same is taken on record.

Learned counsel for the petitioner submits that neither the petitioner was apprehended at the spot nor any recovery has been effected from him. He further submits that mandatory provisions of Section 50 of the Act have not been complied with. He has drawn the attention of this Court towards the non-consent memo (Annexure P-8) to submit that rather the offer has been made to the petitioner in a restricted manner to get his search effected from some Gazetted Officer of Punjab Government or some Magistrate. Learned counsel further submits that since in another case, there was no order of proclamation and the Hon'ble Apex Court took suo motto cognizance on 15.11.2019, the present FIR was registered. He has placed reliance on the judgment passed by this Court in CRM-M-16513-2020 titled Savinder Singh versus State of Punjab, decided on 10.7.2020.

On the other hand, the learned State counsel, while opposing the present petition, submits that compliance of Section 50 of the Act has been made by the investigating agency. He further submits that in the present case challan has been presented and the next date for framing of charge is fixed for 09.4.2021.

I have heard the learned counsel for the parties.

It would be a debatable issue as to whether the offer extended to the petitioner is a valid one in terms of Section 50 of the Act or not and whether

Section 50 of the Act is complied with or not. Since as per the custody certificate, the petitioner has been in custody for the last 01 year, 03 months

and 20 days and the trial will take time to conclude because of Covid-19 pandemic, no useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing

bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.