

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-25534 of 2015
Date of Decision : 07.08.2015

Joginder Singh @ Bhai

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

Present: Mr. Vipul Jindal, Advocate
for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab.

R.P. Nagrath, J. (Oral)

Prayer in the instant petition is for grant of bail under Section 439 Cr.P.C. in FIR No. 76 dated 03.06.2014 for offence under Sections 21/22 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Kotwali, District Kapurthala.

The recovery from petitioner is 130 gms. of intoxicating powder containing salt 'Alprazolam' and 6 gms. of heroin. The consent memo (Annexure P-3) gives offer to the petitioner to be searched before ASI Gurdev Singh, the investigating officer or in front of a Magistrate. There is no indication of offer being given to the petitioner to be searched before a gazetted officer and that seems to be deliberate act of investigating officer in preparing such a memo of consent. The words used in the offer Annexure P-3 is ***“whether you want to get your search from me or in front of a Magistrate.”***

The petitioner is in custody since 03.06.2014, and awaiting report of Chemical Examiner, petitioner was granted

interim bail on 12.09.2014 by the trial Court. However, after receipt of FSL report challan was presented and petitioner surrendered before the trial Court on 20.02.2015.

However, looking into the aforesaid circumstances, I find that the petitioner must be granted concession of bail during pendency of trial.

In view of the above and without commenting on merits of the case, the instant petition is allowed and petitioner be admitted to bail on furnishing bail bonds to the satisfaction of the trial Court.

Allowed in the above terms.

Let copy of this order be sent to Senior Superintendent of Police, Kapurthala to hold a probe and take appropriate and effective remedial measures for future.

August 07, 2015
jk

(R.P. NAGRATH)
JUDGE