

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

CRM No. M-10492 of 2017 (O&M)

Date of Decision: 05.04.2017.

Balwinder Singh @ Bau

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Rishu Mahajan, Advocate,
for the petitioner.

Ms. Shivali, AAG Punjab.

JITENDRA CHAUHAN.J.(ORAL)

The present petition has been filed under Section 439 the Cr.P.C seeking regular bail in case FIR No.66 dated 02.06.2014 registered under Section 22 of NDPS Act at Police Station Sarai Amanat Khan, District Taran Tarn.

It has gone un-controverted that the investigation officer, Tejinder Singh was holding substantive rank of Head Constable. The same is proved from the deposition made before the trial Court. The question whether the I.O. was qualified to effect recovery in terms of notification dated 03.09.1987 (Annexure P-3) will remain a moot point to be decided by the learned trial Court. The petitioner is in custody since 25.04.2016.

In view of above, without commenting on the merits of the case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety

bonds to the satisfaction of trial Court/duty Magistrate concerned.

Anything said herein above shall not be construed as
an expression of opinion on the merits of the case.

05.04.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No