

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

CRM-M-35777-2016 (O&M)

Date of decision: 08.05.2017

BAKSHISH SINGH ALIAS SONU

...Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present : Mr. Ashish Aggarwal, Advocate
for the petitioner (s).

Ms. Harsimrat Rai, DAG, Punjab

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No.163 dated 31.05.2015, registered under Section 22 of NDPS Act, at Police Station Patti, Distt. Tarn Taran.

Contents that in the instant case search was carried out by ASI who was holding the substantive charge of ORP HC, which is against the ratio of law laid down by this Court in '**Bikkar Singh Vs. State of Punjab**' passed in CRA-S-558-DB-2001 decided on 22.03.2006, '**Gursewak Singh Vs. State of Punjab**', 2016(3) R.C.R (Criminal) 1031, '**Rajwinder Kaur @ Pammi @ Rajji Vs. State of Punjab**', passed in CRM-M-43913 of 2015 on 04.05.2016 and '**Gursahib Singh @ Sabha Vs. State of Punjab**' passed in

CRM-M-25498-2016 decided on 22.08.2016. It is asserted that the petitioner is not required in any other FIR. Whereas, the learned State counsel refers to notification dated 03.09.1987 issued by the Excise and Taxation Department to contend that IO was competent to conduct the search and vehemently opposes the present bail petition.

Heard.

In view of the judgment passed in Bikkar Singh's case (supra) by the Hon'ble Division Bench of this Court and the fact that the petitioner, as per the instructions, not required in any other FIR, no purpose would be served in keeping the petitioner behind the bars.

Accordingly, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

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

08.05.2017

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No