

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl. Misc. No.M-4912 of 2017
Date of Decision: April 28, 2017

Kulbir Singh

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Veneet Sharma, Advocate, for the petitioner.

Mr. Rajesh Mehta, Addl. A.G., Punjab

Amol Rattan Singh, J. (Oral)

Learned counsel for the petitioner submits that even a perusal of the FIR itself shows that there is a violation of Section 50 of the NDPS Act, 1985, inasmuch as, though a personal search was conducted on the petitioner by a police party consisting of three persons, who also had a motorcycle with them, with the petitioner on foot, his personal search has been conducted without even an offer made to the petitioner that he can be searched before a Magistrate or a gazetted Officer.

Learned State counsel could not deny the factual position.

Keeping in view the above, as also the fact that out of 7 prosecution witnesses, only 1 witness is stated to have been summoned so far, and earlier also the petitioner did not misuse the concession of bail, without making any comment on the merits of the case, I deem it appropriate to allow this petition.

Consequently, the petitioner would be enlarged on bail on his

furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

April 28, 2017
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(Amol Rattan Singh)
Judge

Whether reasoned/speaking: Yes
Whether reportable: no