

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

CRM-M-1226-2018 (O&M)

Date of decision: 27.11.2018

Jasbir Singh @ BDO

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Jagjit Singh, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 136 dated 08.08.2017, registered under Section 22 of the Narcotic Drugs & Psychotropic Substances Act at Police Station Mehatpur, District Jalandhar.

Learned counsel for the petitioner submits that petitioner is in judicial custody since 09.08.2017 and remained on interim bail from 04.10.2017 to 22.09.2018 awaiting the FSL report and during the said period, he has not misused the concession of bail.

Learned counsel for the petitioner further submits that as per allegations in the FIR, Investigating Officer Mandeep Singh himself gave a notice under Section 50 of the NDPS Act to the petitioner and after obtaining consent of the petitioner that he has faith in the same Investigating Officer, he himself conducted the search of the petitioner and without calling a second investigating officer, he carried out further

investigation. Therefore, it will be a debatable issue whether the judgment rendered by Hon'ble Supreme Court in ***Mohan Lal vs. State of Punjab, 2018 (3) Law Herald (P&H) 2397 (SC)*** will be applicable to the present case or not.

Learned State counsel, on instructions from ASI Gurcharan Singh, does not dispute the factual position, however, submits that petitioner is involved in two more cases under the NDPS Act. It is further submitted that in the present case, out of total 12 prosecution witnesses, 03 have been examined.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions made by learned counsel for the petitioner and also considering the custody period of the petitioner, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

November 27, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No