

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

CRM-M-16091-2018
Date of Decision: 27.11.2018

Ibrahim Khan

...Petitioner

vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ashok Giri, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN,J

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No. 318 dated 01.09.2017 under Sections 22/61/85 of the NDPS Act registered at Police Station Phillaur, District Jalandhar.

Counsel for the petitioner submits that the petitioner was arrested on 01.09.2017 and the FIR was registered as he was found driving the vehicle in which co-accused who was carrying two bags containing contraband was recovered. He further submits that the petitioner, thereafter, was granted interim bail vide order dated 20.12.2017 passed in CRM-M-47734-2017 awaiting the report of FSL and, thereafter, the petitioner has surrendered before the trial Court on 07.02.2018 and since then, he is in custody and facing the trial.

Counsel for the petitioner further submits that the petitioner is not involved in any other case.

On 24.09.2018, it was submitted by learned counsel for the petitioner that the petitioner, in fact, is the part time driver and he was

engaged by co-accused Abdul Rahiman, owner of the car, on payment of Rs.500/- and learned State counsel was directed to verify this fact.

Learned State counsel, on instructions from ASI Harjinder Kumar, submits that the aforesaid fact has been verified from the President of Taxi Union, namely, Rihan, who has made a statement on 24.11.2018 before the Investigating Officer that the petitioner is, in fact, a part time driver.

Learned counsel further submits that since the Investigating Officer ASI Parminder Singh himself is the complainant and conducted the entire 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 AIR (SC) 3853*** will have a bearing on the present case or not?

Heard.

Without commenting anything on the merits of the case, considering the aforesaid submissions made by counsel for the parties, the present petition is allowed and petitioner is directed to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned.

27.11.2018
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No