

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16991-2018

Date of decision: 19.11.2018

Sunny

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.243 dated 23.07.2016 under Section 15 of NDPS Act, registered at Police Station Madhuban, District Karnal.

Learned counsel for the petitioner submits that as per allegations in the FIR, the petitioner along with one Soni son of Jagraj was coming in a car from the side of UP and on suspicion, their car was stopped by the police party. The driver of the car told his name as Soni son of Jagraj and co-passenger disclosed his name as Sunny son of Lal Singh i.e. the petitioner. The Investigating Officer/ASI Bahadur Singh gave them an option to be searched either before a Gazetted Officer or a Magistrate. On this, both the accused persons gave an option to be searched by the Gazetted Officer and thereafter, the Investigating Officer, on mobile, called DSP, Headquarters, Karnal to reach

at the spot and notice under Section 50 of the NDPS Act and consent memo were prepared and seen by the DSP. It is further submitted that in the challan submitted before the Court, DSP has only written 'seen' and therefore, it is subsequent to preparation of these documents i.e. notice and the consent memo and therefore, it will be a debatable issue whether the DSP was actually present at the spot or not. Learned counsel further submits that the petitioner is in custody since 02.08.2016 and is not involved in any other case and the case is still at the stage of recording the prosecution evidence.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the factual position.

Without commenting on merits of the case, considering the aforesaid facts, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

19.11.2018
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No