

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

**CRM-M No.18147 of 2018 (O&M)
Decided on: 11.12.2018**

Sharanjit Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Ms. Sumati Jund, Advocate for the petitioner.

Ms. Simsi Dhir, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.0024 dated 30.01.2018, for offence punishable under Section 22 of the Narcotic Drug and Psychotropic Substances Act, 1985 (in short 'the NDPS Act'), registered at Police Station GRP Ludhiana, District Ludhiana.

Counsel for the petitioner has submitted that as per the allegations in the FIR, the Investigating Officer/Inspector Jaskaran Singh is the complainant and after he apprehended the petitioner, he gave a notice under Section 50 of the NDPS Act and after obtaining the consent of the petitioner reposing faith in himself, again he conducted the search himself and thereafter, he conducted further investigation of the case.

Counsel for the petitioner has further submitted that since investigation in this case was carried out by the same officer, therefore, it will be a debatable issue whether the judgment rendered by the Hon'ble Supreme Court "*Mohan Lal vs State of Punjab*" passed in

Criminal Appeal No.1880 of 2011, decided on 16.08.2018, will be applicable in this case or not as the informant and the Investigating Officer are the same person.

Counsel for the petitioner has further submitted that the petitioner is in judicial custody since 30.01.2018 and only one prosecution witness has been examined and conclusion of the trial will take some time.

Counsel for the State, on the basis of the Custody Certificate dated 17.07.2018, has not disputed the factual position. It is further submitted that the petitioner is involved in one more case under the NDPS Act, however, the petitioner is on bail in the said case.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 30.01.2018, only one prosecution witness has been examined; conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds, to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

11.12.2018

yakub

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No