

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

**CRM-M-21831-2018
Date of decision: 21.11.2018**

Gurdit Singh @ Gora

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, 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. 191 dated 03.09.2017, registered under Section 22 of the NDPS Act (Section 29 of the NDPS Act added later on) at Police Station Dharamkot, District Moga.

Learned counsel for the petitioner submits that as per the allegations in the FIR, Investigating Officer ASI Balwinder Singh apprehended the petitioner and after serving notice under Section 50 of the NDPS Act, himself conducted the search and thereafter he concluded 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 (3) Law Herald (P&H) 2397 (SC)* will be applicable to the present case or not.

Learned counsel for the petitioner further submits that petitioner is in judicial custody since 03.09.2017 and he is a patient of

Hepatitis-C and as per the affidavit, submitted by Deputy Superintendent, Central Jail, Faridkot along with the report of the medical board, the petitioner is diagnosed for Hepatitis-C and is under treatment of the Medicine Unit.

Learned State counsel, on instructions from ASI Surjeet Singh, could not dispute the factual position as submitted by learned counsel for the petitioner.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the health conditions of the petitioner as well as the fact that he is in judicial custody since 03.09.2017 and also in view of the judgment rendered in ***Mohan Lal's case*** (supra); 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 21, 2018

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No