

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.213

CRM-M-26980-2018

Date of decision : 19.11.2018

Amninder Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Dr. Anmol Rattan Singh Sihdu, Sr. Advocate with
Mr. Nandan Jindal, Advocate, for the petitioner.

Mr. K.S. Sidhu, DAG, Punjab

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No. 104 dated 19.5.2018, registered at Police Station Samrala, Police District Kahnna, under Sections 15/22/25 of NDPS Act, 1985.

Learned senior counsel for the petitioner submits that a perusal of affidavit dated 8.10.2018 filed by Sh. Dhruv Dahiya, IPS, Senior Superintendent of Police, Police District Khanna, District Ludhiana, shows that the person, who carried out the process of search and seizure was holding the rank of Deputy Superintendent of Police in his own rank and pay and thus, was not competent authority under Section 50 of the NDPS Act, 1985. The petitioner has been in custody since 19.5.2018. The investigation is complete, but the trial is not likely to be concluded at an early date as the charge has not yet been framed. Thus, the petitioner deserves to be released on regular bail.

Learned State counsel is not in a position to refute the aforementioned factual submissions.

Keeping in view the facts of this case, I deem it appropriate to allow this petition. Accordingly, the petition is allowed and

petitioner, Amninder Singh, is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

(SUDHIR MITTAL)
JUDGE

19.11.2018
Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No