

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27028-2018

Date of Decision: 22.11.2018

Rohit Kumar @ Bunty

...Petitioner

vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr.Yashpal Thakur, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN,J

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No. 95 dated 10.11.2017 under Section 22 of the NDPS Act, registered at Police Station GRP Sirhind, District Fatehgarh Sahib, Punjab.

Learned counsel for the petitioner submits that as per the allegations in the FIR, complainant-ASI Sukhwinder Singh himself conducted the investigation and after giving notice under Section 50 of the NDPS Act, himself conducted the search and entire investigation. He further submits that it will be a debatable issue whether the judgment of Hon'ble Supreme Court rendered in *Mohan Lal vs. State of Punjab, 2018 AIR (SC) 3853* will have a direct bearing on the present case as no second Investigating Officer was called.

Counsel further submits that the petitioner is in custody since 10.11.2017 and is not involved in any other case.

Learned State counsel, on the basis of custody certificate dated 06.07.2018, has not disputed the factual position.

Without commenting anything on the merits of the case, considering the fact that the petitioner is in judicial custody since 10.11.2017; he is not involved in any other case and also in view of the judgment of Hon'ble Supreme Court rendered in Mohan Lal's case (supra), the present petition is allowed. The 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.

22.11.2018
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No