

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

**CRM-M-27654-2018
Date of decision: 02.11.2018**

Bharat Kumar**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. R. K. Dadwal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, 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. 006 dated 18.01.2018, registered under Section 22 of the Narcotic Drugs & Psychotropic Substances Act at Police Station Sadar Banga, District S.B.S. Nagar.

Learned counsel for the petitioner submits that the complainant and Investigating Officer ASI Avtar Singh are the same person, who has given the notice under Section 50 of the NDPS Act and has himself conducted the search and even subsequently completed 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 not involved in any other case and after availing the interim

bail, he has surrendered before the trial Court.

Learned State counsel, on the basis of the custody certificate dated 11.07.2018 and on instructions from ASI Sukhdev Singh, has not disputed the aforesaid facts and submitted that charges have been framed on 07.08.2018, however, no prosecution witness has been examined so far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in custody for the last about seven months; he is not involved in any other case; the trial is likely to take some time as no prosecution witness has been examined so far and also in view of the judgment rendered by the Hon'ble Supreme Court 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 02, 2018

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No