

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-27667-2018  
Date of decision: 11.07.2018

**Paramjeet**

**... Petitioner**

**Vs.**

**State of Haryana**

**... Respondent**

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present: Mr. S.S. Gill, Advocate  
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

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**ARVIND SINGH SANGWAN, J. (ORAL)**

Prayer in this petition is for grant of regular bail in FIR No.497 dated 15.05.2018 under Section 20 of NDPS Act and Section 120-B IPC, registered at Police Station City Thanesar, District Kurukshetra.

Learned counsel for the petitioner submits that as per allegations in the FIR, a secret information was received by the police that the petitioner along with two other persons namely Vipin and Sonu is coming on a motorcycle from Mohan Nagar, Kurukshetra and they are going towards District Jail, Kurukshetra. They are carrying charas (sulpha) and they will throw the same over the wall of the jail where father-in-law of Paramjeet is in judicial custody. It is further submitted that after receiving the secret information, the Investigating Officer did not reduce the same in writing nor sent a ruqa to the police station in this regard. Counsel for the petitioner further submits that when the motorcycle was stopped, the petitioner along with two other persons was apprehended, their personal search was

conducted and after giving offer to be searched before a Gazetted Officer or a Magistrate, the Investigating Officer himself had conducted the search and the total contraband recovered from three persons comes to be 193 grams, which is less than commercial quantity.

Learned counsel for the petitioner has further submitted that there are many material points, to be decided during the course of trial with regard to non-compliance of Sections 42 and 50 of NDPS Act and the petitioner is in judicial custody for the last 01 month and 27 days and is not involved in any other case.

Learned State counsel has filed the custody certificate and has not disputed the fact that the petitioner is not involved in any other case except the case under Section 498-A IPC, which raises a doubt that the petitioner was not maintaining good relations with his in-laws.

Without commenting anything on merits of the case, considering the fact that the recovery is of non-commercial quantity and it will be a debatable issue whether the mandatory provisions of Sections 42 and 50 of NDPS Act are complied with or not and also in view of the fact that the petitioner is not involved in any other case under the NDPS Act, this petition is allowed and the petitioner is directed to be released on bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

**[ ARVIND SINGH SANGWAN ]**  
**JUDGE**

11.07.2018  
*vishnu*

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No