

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SMRITI
2017.10.17 17:42
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CRM-M-29630-2018

Date of Decision: 17.10.2018

Prince

...Petitioner

vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr.Sahil Puri, Advocate, for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN,J

This is the 2nd petition, filed by the petitioner, for grant of regular bail. The first one was dismissed as withdrawn on 08.02.2018 with liberty to the petitioner to file afresh in case trial does not conclude within a period of five months.

Counsel for the petitioner submits that the petitioner is in judicial custody for the last about 01 year and 02 months as per custody certificate dated 06.08.2018 and is not involved in any other case and the case is still at the stage of recording of prosecution evidence.

Learned counsel with reference to the FIR submits that the entire investigation was conducted by ASI Vipin Kumar, who himself served the notice under Section 50 of the NDPS Act and after obtaining the consent of the petitioner, himself conducted the search and then completed the investigation. He further submits that it will be a debatable issue during trial whether the judgment rendered by Hon'ble Supreme Court in **Mohan Lal vs. State of Punjab, 2018 AIR (SC) 3853** will have bearing on present case.

Learned State counsel, on instructions from H.C.Pappu Gill, has not disputed the above said fact and submits that 06 prosecution witnesses have been examined and 04 needs to be examined.

Without commenting anything on the merits of the case, considering the fact that the petitioner is in custody for the last about 1 year and 02 months, as per custody certificate dated 06.08.2018; is not involved in any other case; the case is still at the stage of recording of prosecution evidence and the entire investigation was conducted by a single Investigating Officer, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

17.10.2018
smriti

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No