

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37663-2018

Date of decision: 20.11.2018

Satnam Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Pardeep Bajaj, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.10 dated 27.02.2018 under Section 22 of NDPS Act, registered at Police Station Khuian Sarwar, Tehsil and District Fazilka.

Learned counsel for the petitioner submits that as per allegations in the FIR, ASI Ravinder Kumar stopped the vehicle, in which the petitioner was the driver and one Balkar Singh was co-passenger and then he served a notice under Section 50 of NDPS Act and when the consent of both the accused was taken, ASI Ravinder Kumar himself prepared the separate consent memos and conducted the search and thereafter, entire investigation was conducted by him, therefore, in view of judgment of the Hon'ble Supreme Court in **Mohan Lal Vs. State of Punjab, 2018 (4) RCR (CrI.) 101**, it will be a debatable issue whether non-joining of second Investigating Officer will have adverse bearing

on the facts of the case. It is further submitted that co-accused of the petitioner namely Balkar Singh has already been granted the concession of regular bail vide order dated 22.10.2018 passed in CRM-M-45326-2018. Learned counsel further submits that the petitioner is not a previous convict, he is in custody for the last about 08 months and 16 days and is not involved in any other case.

Learned State counsel, on instructions from HC Partap Singh, has filed the custody certificate dated 17.11.2018 in the Court today and has not disputed the factual position.

Without commenting on merits of the case, considering the aforesaid facts, this petition is allowed and the petitioner is directed to be released on regular 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

20.11.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No