

219.

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

CRM-M-40921-2018

Date of decision:21.09.2018.

DALJIT SINGH

... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Harchand Singh Batth, Advocate,
for the petitioner.

Mr. Surinder Pal Singh Tinna, Additional Advocate General,
Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.119 dated 17.05.2017 registered under Section 15 of NDPS Act at Police Station Bhikhiwind, District Tarn Taran.

As per FIR, 102 kg of poppy husk was statedly recovered from the petitioner. Learned counsel for the petitioner states that the petitioner is in custody since 17.05.2017 and all proceedings are vitiated in the light of judgment passed by Hon'ble Supreme Court in **Mohan Lal Versus State of Punjab, Criminal Appeal No.1880 of 2011, dated 16.08.2018**, wherein it has been held that the complainant and the Investigating Officer cannot be one and the same person.

Learned State counsel has filed the custody certificate of

certificate, petitioner is involved in another FIR No.01/15 under Section 22 of NDPS Act, Police Station Bhikiwind, Tarn Taran.

I have heard learned counsel for the parties.

Considering the fact that in the case in hand, 102 kg of poppy husk has been recovered from the possession of the petitioner and coupled with the fact that another case i.e. FIR No.01/15 (supra) has been registered against him, this Court does not find a sufficient ground to admit the petitioner on bail. The plea of the petitioner that the proceedings are vitiated in view of judgment of **Mohan Lal's case** (supra), cannot be accepted at this stage. Petitioner is at liberty to plead that fact during the course of trial.

Dismissed.

(HARI PAL VERMA)
JUDGE

21.09.2018
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No