

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42742-2017 (O&M)

Date of Decision: 22.11.2018

Amrik Singh @ Kala

...Petitioner

vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr.S.K.Bawa, Advocate, for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN,J

CRM-41309-2018

Prayer in this application is for placing on record report under
Section 173 Cr.P.C. as annexue P3.

For the reasons stated in the application, the same is allowed.
Annexure P3 is taken on record.

CRM-M-42742-2017

Prayer in this petition is for grant of regular bail to the
petitioner in case FIR No. 67 dated 21.04.2017 under Section 15 of the
NDPS Act registered at Police Station Adampur Jalandhar Rural, District
Jalandhar.

Learned counsel for the petitioner submits that SI Vijay Kumar,
on receiving secret information that petitioner Amrik Singh @ Kala
alongwith one Surjit Kumar @ Seeta and one lady Asha are involved in the
business of selling of poppy husk and were coming in a car, the present FIR
was registered and, thereafter, the complainant himself conducted the
investigation and gave notice under Section 50 of the NDPS Act and after

the petitioner gave consent, he himself conducted the search and after the recovery was effected, even the subsequent investigation was conducted by the same Investigating Officer i.e. SI Vijay Kumar.

Counsel for the petitioner has relied upon judgment of Hon'ble Supreme Court rendered in *Mohan Lal vs. State of Punjab, 2018 AIR (SC) 3853* to submit that it will be a debatable issue in the absence of second Investigating Officer, the investigation was carried out in accordance with law. He further submits that the petitioner is not involved in any other case and two co-accused of the petitioner, namely, Asha has been granted concession of anticipatory bail and Surjit Kumar @ Seeta has been granted concession of regular bail.

It is further submitted that out of 10 prosecution witnesses, only 01 PW has been examined and the petitioner is in custody since 21.04.2017 and period of more than 01 year and 06 months has passed.

Learned State counsel, on instruction from ASI Chanhall Singh, has not disputed the aforesaid facts.

Heard learned counsel for the parties.

Without commenting anything upon the merits of the case, considering the submissions made by learned counsel for the parties and also in view of the judgment of Hon'ble Supreme Court rendered in Mohan Lal's case (supra), the present petition is allowed and petitioner is directed to be released on bail, subject to his furnishing bail bonds to the satisfaction of trial Court/Illaq Magistrate/Duty Magistrate concerned.

22.11.2018
smriti

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No