

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

CRM-M-43689 of 2017(O&M)

Date of Decision: 16.05.2018

Robin Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Randeep Singh Rana, Advocate
for the petitioner.

Mr. H.S.Sandhu, AAG, Punjab.

MAHABIR SINGH SINDHU, J.(Oral)

CRM-17864 of 2018

The instant application has been filed under Section 482 Cr.P.C. for placing on record the notification dated 03.09.1987 as Annexure P-3 and also exempt the petitioner from filing the certified copy of the same.

For the reasons enumerated in the application, the same is allowed and the notification Annexure P-3 is taken on record subject to all just exceptions. Registry to tag the same at the appropriate place.

CRM-M-43689 of 2017(O&M)

The present petition has been filed under Section 439 of

the Code of Criminal Procedure for grant of regular bail to the petitioners in case FIR No.34 dated 22.03.2017 registered under Sections 22, 25, 61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') at Police Station City South, District Moga.

It is contended by learned counsel for the petitioner that at the time of search and recovery of 45 injections of Dezapaim I.P. Mark, 41 pouch of Momolit Tablet, each containing 10 tablets total 4100 tablets and 9 strips of spasmo proxivon, each strip containing 10 capsules total 90 capsules, ASI Kulwant Singh was not holding the substantive rank of ASI in the Punjab Police; rather he was working on temporary basis and thus same is contrary to the notification dated 03.09.1987 (P-3).

The above factual position is duly acknowledged by learned State counsel and a specific reference has been made to the paragraph 4 of the affidavit filed by Kesar Singh, PPS, Deputy Superintendent of Police (City), Moga, District Moga in which it has been inter-alia submitted that in the instant case on 22.03.2017 ASI Kulwant Singh was in the "local rank" and had arrested the petitioner and made the said recoveries.

In view of above prima facie it seems that search and alleged recovery of contraband from the petitioner was in violation of the notification dated 03.09.1987. Moreover, the trial is likely to take a long time to be concluded and as such no useful purpose would be served by keeping the petitioner behind the bars any more.

Therefore, in view of the abovesaid circumstances, without expressing any opinion on the merits of the case, this petition is accepted. Petitioner-Robin Kumar be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

[MAHABIR SINGH SINDHU]
JUDGE

May 16, 2018
rashmi

Whether speaking/reasoned	yes/no
Whether reportable?	yes/no