

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

**CRM-M-45048-2018  
Date of decision: 16.10.2018**

**Parvesh Kumar @ Messi**

**...Petitioner**

**Versus**

**State of Punjab**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Pranav Handa, Advocate  
for the petitioner.

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

**ARVIND SINGH SANGWAN, J. (Oral)**

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 0014 dated 22.01.2018, registered under Section 22 of the Narcotic Drugs & Psychotropic Substances Act at Police Station Basti Bawa Khel, Jalandhar, District Police Commissionerate, Jalandhar.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 22.01.2018 and he is not involved in any other case under the NDPS Act and in two FIRs under Section 379 IPC, the petitioner is already on bail.

Learned counsel for the petitioner further submits that as per the allegations in the FIR, the Investigating Officer, after giving notice to petitioner, has himself conducted the search and has completed the investigation without calling a second Investigating Officer and it will be a debatable issue whether the judgment rendered by Hon'ble Supreme Court in ***Mohan Lal vs. State of Punjab, 2018 AIR (SC) 3853*** will be applicable

to the present case or not?

Learned counsel for the petitioner further submits that it will take a long time in conclusion of the trial as no prosecution witness has been examined so far.

Learned State counsel, on the basis of the custody certificate and on instructions from HC Roop Lal, has not disputed the factual position that the Investigating Officer, after giving notice, has himself conducted the search and has completed the investigation of the case without calling a second Investigating Officer.

as submitted by learned counsel for the petitioner.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid facts as well as the custody period of the petitioner; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

**October 16, 2018**

*Waseem Ansari*

**(ARVIND SINGH SANGWAN)  
JUDGE**

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*