

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

CRM-M-46555-2018
Date of decision: 28.11.2018

Narinder Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Yashpal Thakur, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, 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. 27 dated 09.03.2018, registered under Section 22 of the Narcotic Drugs & Psychotropic Substances Act at Police Station GRP Sirhind, Tehsil and District Fatehgarh Sahib.

Learned counsel for the petitioner submits that petitioner is an old man, aged about 66 years, and he is not involved in any other case.

Learned counsel for the petitioner further submits that as per the allegations in the FIR, ASI Sukhwinder Singh apprehended the petitioner and gave him a notice under Section 50 of the NDPS Act and when the petitioner reposed faith in him, he conducted the search of a polythene bag from which intoxicant injections were recovered. Learned counsel for the petitioner further submits that from the perusal of the FIR, it is evident that Investigating Officer and the complainant are the same person in this case, therefore, it will be a debatable issue whether the

judgment rendered by Hon'ble Supreme Court in ***Mohan Lal vs. State of Punjab, 2018 (3) Law Herald (P&H) 2397 (SC)*** will be applicable to the present case or not.

Learned State counsel, on instructions from ASI Sukhwinder Singh, has not disputed the factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that petitioner is an old man, aged about 66 years; he is not involved in any other case and also in view of the judgment rendered in ***Mohan Lal's case*** (supra), 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.

November 28, 2018

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No