

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46770-2018
Date of Decision: 03.12.2018

Jitender @ Rempi

...Petitioner

vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Bhavdeep Singh Mamli, Advocate for
Mr. R.S.Mamli, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN,J

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No.854 dated 25.08.2018 under Section 21 of the NDPS Act, registered at Police Station City Thanesar, District Kurukshetra.

Counsel for the petitioner submits that the recovery from the petitioner is 09 grams smack (heroin) and he is in judicial custody since 25.08.2018. He further submits that as per the allegations in the FIR, when petitioner was apprehended at the spot, his personal search was conducted by ASI Pawan Kumar without giving any offer of search in terms of Section 50 of the NDPS Act.

In reply, learned State counsel submits that the petitioner is involved in another FIR No. 783 dated 06.08.2018 under the NDPS Act.

In reply, learned counsel for the petitioner has relied upon order dated 19.11.2018 passed in CRM-M-49743-2018, granting regular bail to the petitioner in the aforesaid FIR.

Without commenting anything on the merits of the case, considering the fact that it will be a debatable issue whether the provision of Section 50 of the NDPS Act was complied with or not?, the present petition is allowed and petitioner is directed to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned.

03.12.2018
smriti

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No