

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

**CRM-M-45981-2017
Date of decision: 28.11.2018**

Damanpreet Singh @ Pretty

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. N. S. Shekhawat, 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. 91 dated 14.10.2017, registered under Section 22 of the Narcotic Drugs & Psychotropic Substances Act at Police Station Kotwali Nabha, District Patiala.

Learned counsel for the petitioner submits that petitioner is in judicial custody since 17.10.2017 and he is not involved in any other case.

Learned counsel for the petitioner further submits that as per the allegations in the FIR, complainant ASI Harjeet Singh himself is the Investigating Officer of the case and he has given notice under Section 50 of the NDPS Act and after obtaining consent of the petitioner, he has himself conducted the search and thereafter, conducted the further investigation, 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 the basis of the custody certificate and on instructions from the Investigating Officer, has not disputed the factual position and submitted that out of total ten prosecution witnesses, four have been examined so far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that petitioner is in judicial custody since 17.10.2017; 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