

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

**CRM-M-47771-2017
Date of decision: 21.11.2018**

Kartari**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. M. S. Saini, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, 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. 130 dated 06.07.2017, registered under Section 20/61/85 of the NDPS Act at Police Station Jamalpur, District Ludhiana.

Learned counsel for the petitioner submits that petitioner is in judicial custody since 06.07.2017 and he is not involved in any other case.

Learned counsel for the petitioner further submits that Investigating Officer ASI Malkiat Singh himself issued notice under Section 50 of the NDPS Act and after taking consent of the petitioner, conducted the search of the petitioner and thereafter, concluded the entire 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 counsel for the petitioner further submits that trial is at the initial stage and only two prosecution witnesses have been examined so

far.

Learned State counsel, on instructions from ASI Jasbir Singh and on the basis of the custody certificate dated 20.12.2017, 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 in judicial custody since 06.07.2017; trial is still at the stage of recording statement of prosecution witnesses 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 21, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No