

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

**CRM-M-9731-2018
Date of decision: 26.10.2018**

Uttamjeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Arshdeep Singh Sra, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, 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. 287 dated 02.12.2017, under Section 22/61/85 of the NDPS Act, registered at Police Station Sangat, District Bathinda.

Learned counsel for the petitioner submits that the entire investigation was done by SI Balwant Singh who himself conducted the search of the petitioner after giving notice under Section 50 of the NDPS Act, 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 petitioner is in judicial custody since 03.12.2017 and out of total 13 prosecution witnesses, only 02 have been examined so far and the petitioner is not involved in any other case under the NDPS Act.

Learned State counsel, on the basis of the custody certificate

and on instructions from ASI Baldev Singh, has not disputed the factual position.

I have heard learned counsel for the parties.

Without commenting anything on merits of the case and considering the submissions made by learned counsel for the petitioner and also in view of the fact that petitioner is in judicial custody since 03.12.2017 and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned.

October 26, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No