

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-575-2019

Date of decision: 28.05.2019

Harmanjit Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Gursimran Singh, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.66 dated 18.10.2018 under Sections 21/22 of NDPS Act, registered at Police Station Jhander, District Amritsar.

On 27.02.2019, following order was passed: -

“.....Learned counsel for the petitioner submits that as per allegations in the FIR, the police party, headed by ASI Nirmal Singh, apprehended the petitioner and carried out his search, in which they found a plastic container carrying 1172 intoxicant tablets and physical search of the petitioner was also conducted. It is further submitted that in the FIR, it is mentioned that since recovery was effected from the petitioner in a sudden move, therefore, neither the police had time to call any Gazetted Officer or a Magistrate at the site nor they had time to join any private witness in the search proceedings. Learned counsel further submits that even subsequent thereto, no second Investigating

Officer was called and the entire investigation was conducted by the same Investigating Officer.

List again on 26.03.2019.

The Senior Superintendent of Police, Amritsar is directed to file an affidavit, after verifying the facts of the case and regarding the instructions/training being imparted to the Investigating Officers, who are conducting the investigation.

In the meantime, petitioner is directed to be released on interim bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.”

Status report by way of affidavit of Senior Superintendent of Police, District Amritsar (Rural) is on record and as per this affidavit, departmental proceeding is initiated against ASI Tarsem Lal and SI Harpal Singh.

In view of the above, the present petition is disposed of and the order dated 27.02.2019 passed by this Court, granting interim bail to the petitioner, is hereby made absolute.

[ARVIND SINGH SANGWAN]
JUDGE

28.05.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No