

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-580-2019

Date of decision: 28.05.2019

Narender Kumar @ Gadara

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.C. Shahpuri, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.418 dated 24.10.2018 under Section 22 of NDPS Act, registered at Police Station Farakpur, District Yamuna Nagar.

On 15.01.2019, following order was passed: -

“.....Learned counsel for the petitioner submits that as per the allegations in the FIR, SI Joginder Singh, on receiving a secret information that the petitioner is involved in selling some narcotic substance and without giving the said information in writing and sending it to the police station the said investigating officer laid a barricade and after about half an hour when the petitioner was seen coming on foot, he was apprehended and on search of the polythene bag carried by the petitioner, recovery of certain tablets and capsules were effected, which as per the report of the Drug Control Officer was a narcotic substance.

Learned counsel for the petitioner submits that despite

having a secret information no notice under Section 50 of the NDPS Act was given to the petitioner and even the second investigating officer was not called after the recovery was effected by the same investigating officer.

It has been noticed by this Court in number of cases that after the procedure under Section 50 of the NDPS Act is not followed. Therefore, the Director General of Police, Haryana, is directed to file an affidavit about the training imparted to the investigating officers as well as the instructions given to them for carrying out the investigation under the NDPS Act.

List again on 26.03.2019.

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

Status report by way of affidavit of Deputy Superintendent of Police, Yamuna Nagar filed in the Court today, is taken on record and as per this affidavit, regular departmental proceeding is initiated against SI Joginder Singh, for dereliction and negligence in conducting investigation of the FIR.

In view of the above, the present petition is disposed of and the order dated 15.01.2019 passed by this Court, granting interim bail to the petitioner, is hereby made absolute.

[ARVIND SINGH SANGWAN]
JUDGE

28.05.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No