

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

C.R.M-M No.20838-2018 (O&M)
Date of Decision : 10.1.2019

Yogesh Rai

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Gautam Dutt, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.07 dated 22.03.2017, registered under Sections 21, 25 and 29 of NDPS Act, 1985 at Police Station SSOC, District Amritsar.

The main ground for taking the concession of bail is that this whole trial is now vitiated because complainant is the Investigating Officer. Counsel for the petitioner has placed reliance on the judgment of the Supreme Court titled as “**Mohan Lal vs. State of Punjab 2018 (4) R.C.R. (Criminal) 101.**” Learned DAG is not in a position to deny that complainant is Investigating Officer but states that search was conducted in the presence of DSP. That would not change the position of law.

In the circumstances, without going into the merits of the case, I deem it appropriate to grant regular bail to the petitioner. Ordered accordingly. Bail to the satisfaction of the trial Court/Duty Magistrate.

Petition stands allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

10.1.2019
anuradha

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No