

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

CRM-M-15094-2019
Date of decision: 16.05.2019

Amandeep Singh @ Aman

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. R. K. Gupta, 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. 74 dated 09.07.2018, registered under Sections 22/61 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Sadar, Nabha, Patiala.

Learned counsel for the petitioner has argued that as per the allegations in the FIR, it is stated that Investigating Officer at about 6.00 PM was present at Police Naka and stopped a bus. A clean shaven man alighted off the bus from the front door and started running towards the water canal though the Investigating Officer apprehended the accused who disclosed his name as Amandeep Singh @ Aman, the petitioner herein.

Thereafter, the Investigating Officer offered him to be searched either before a Gazetted Officer or before a Magistrate and when the

petitioner reposed confidence in the same Investigating Officer, the search was conducted and recovery of 260 grams of intoxicant power was effected.

Learned counsel for the petitioner has further submitted that petitioner is setting up a defence that he was picked up from his house by the police party who have come in the private car and the same is recorded in the CCTV camera which is installed by the Gram Panchayat outside the house of the petitioner and the time of arrest of the petitioner is in fact 05.00 PM which prior to the time given in the FIR, therefore, it will be a debatable issue whether the petitioner will be able to prove his defence i.e. he was not arrested at the spot as stated in the FIR.

Learned counsel for the petitioner has further argued that no second investigating officer was called and the entire investigation including search was conducted by the same investigating officer, therefore, again it will be a debatable issue whether provisions of Section 50 of the NDPS Act were complied with or not.

Learned State counsel, on instructions from HC Gurcharan Singh, has opposed the prayer of the petitioner by submitting that petitioner is involved in one more FIR i.e. FIR No. 70 dated 02.08.2017.

In reply, learned counsel for the petitioner submitted that the trial in FIR No. 70 stands concluded and the petitioner has already undergone the sentence as the recovery was of a very small quantity in that case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the parties, 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.

16.05.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No