

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

CRM-M-16695-2019 (O&M)

Date of decision : 16.07.2019

Joginder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Arora, Advocate for the petitioner.

Mr. Ramdeep Pratap Singh, DAG, Punjab.

ANIL KSHETARPAL, J. (ORAL)

Prayer in the present petition is to grant regular bail to the petitioner in FIR No.105 dated 18.04.2018 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Tarn Taran, District Tarn Taran.

Petitioner is in custody since 18.04.2018 except the period when he was released on interim bail while waiting for report from the Forensic Science Laboratory. Investigations are complete. Challan has been presented.

Learned counsel for the petitioner has pointed out that there is non-compliance of Section 50 of the Narcotic Drugs and Psychotropic Substances Act, 1985, as after the search of alleged polythene bag, search of person was also carried out. He relies upon the judgment passed by Hon'ble

the Supreme Court in the case of ***State of Rajasthan Vs. Parmanand and another, 2014(2) RCR (Criminal) 40.***

Learned counsel for the State disputes this fact.

However, it is not disputed that the petitioner is not involved in any other case.

It is debatable as to whether the compliance of Section 50 of the Narcotic Drugs and Psychotropic Substances Act, 1985, is required or not.

After hearing learned counsel for the parties, this Court is of the view that petitioner deserves concession of bail. Accordingly, the petitioner is directed to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Hence, the present petition is allowed.

16.07.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No