

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

239)

CRM-M-40841 of 2018
Date of Decision : 9.12.2019

Mohammad Salim @ Salim

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Yashpal Thakur , Advocate for the petitioner.

Mr.K.K.Bhainiwala, Addl.AG Punjab.

Anupinder Singh Grewal, J.(Oral)

The petitioner is seeking regular bail in FIR No.06 dated 21.01.2018, under Sections 22 and 61 of N.D.P.S.Act. registered at Police Station Badali Ala Singh, District Fatehgarh Sahib, Punjab.

Learned counsel for the petitioner contends that there was no compliance of Section 50 of NDPS Act. The personal search of the petitioner had been carried out but offer was not individually made to the petitioner and other accused. The joint offer and a joint consent memo has been recorded which is in violation of Section 50 of the NDPS Act. He has relied upon the judgment of the Supreme Court in the case of *State of Rajasthan Vs. Parmanand reported as 2014(5) SCC 345*. He also contends that the allegations are that 100 injections of Buprenorphine each containing 2 ml, 100 injections of Avil and 150 capsules of Parvon spas plus were recovered from the petitioner. He also contends that Avil and Parvon spas are not covered under the NDPS Act. He also contends that the petitioner is

not involved in any other case under the NDPS Act and is in custody for over 1 year and 10 months.

Learned State counsel, upon instructions from SI Jaswant Singh, states that three witnesses out of eight prosecution witnesses have been examined. He, however, is not in a position to controvert the afore-noted submissions of the counsel for the petitioner.

Heard.

In view of the submissions of the learned counsel for the petitioner, especially when the petitioner is in custody for over one year and 10 months, he being not involved in any other case and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

9.12.2019
Meenu

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No