

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

**CRM-M No.21676 of 2019 (O&M)
Decided on: 17.12.2019**

Manish Kumar @ Mani

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Teevar Sharma, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.133 dated 01.11.2018, for offence punishable under Section 22 of the of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act'), registered at Police Station Division 4, District Patiala.

Counsel for the petitioner has argued that as per the allegations in the FIR, when a notice was given to the petitioner to be searched before the Gazetted Officer or the Magistrate, he reposed confidence in the Investigating Officer and his further investigation was carried out by him, therefore, it will be a matter of trial as to whether the proper and legal procedure was followed or not. It is further submitted that the petitioner is in custody since 01.11.2018 and only 01 PW has been examined so far and he is on bail in another case.

Counsel for the State, on instructions from ASI Surinder

Singh, has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 01.11.2018; challan stands presented; only 01 PW has been examined so far; the custodial interrogation of the petitioner is not required and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

17.12.2019
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No