

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22877-2019

Date of decision: 24.05.2019

Munish Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. R.S. Ahluwalia, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.188 dated 05.09.2018 under Section 22 Act No.61 of 1985 of NDPS Act, registered at Police Station Nakodar Sadar, District Jalandhar.

Learned counsel for the petitioner submits that the petitioner was earlier granted interim bail awaiting the FSL report vide order dated 31.10.2018 passed in CRM-M-47285-2018 and on receiving the FSL report, the petitioner has surrendered before the trial Court.

Learned counsel for the petitioner further submits that as per allegations in the FIR, the petitioner along with co-accused Pradeep Kumar were apprehended and a joint consent memo of both the accused persons was recorded by the police in compliance of Section 50 of NDPS Act, which is not correct procedure as per judgment of the Hon'ble Supreme Court in **State of**

Rajasthan Vs. Parmanand and another, 2014 (2) RCR (Crl.) 40 and therefore, it is to be decided during the course of trial whether proper procedure was followed or not. It is further submitted that the petitioner is in custody for the last 05 months and 19 days and is not involved in any other case.

Learned State counsel has filed the custody certificate dated 23.05.2019 filed in the Court today and on instructions from ASI Harbhajan Singh, has submitted that a joint consent memo was recorded but has not disputed the fact that the petitioner is not involved in any other case.

Without commenting anything on merits of the case, considering the aforesaid arguments raised by learned counsel for the parties, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

24.05.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No