

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50945-2018

Date of decision: 28.05.2019

Sanjay

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Amandeep Mann, Advocate for
Mr. K.L. Saini, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.560 dated 18.08.2018 under Section 20 of NDPS Act, registered at Police Station Sadar Bahadurgarh, District Jhajjar.

On 15.01.2019, following order was passed: -

“.....Learned counsel for the petitioner submits that as per the allegations in the FIR, ASI Dilbagh Singh apprehended the petitioner on the basis of suspicion and by carrying out search of a polythene bag which the petitioner was allegedly carrying in his hand, 900 grams of Charas were recovered.

Learned counsel for the petitioner further submits that no notice under Section 50 of the NDPS Act was given to petitioner and after effecting the recovery, the same Investigating Officer has conducted the further investigation.

Since such type of practice is being followed by the Investigating Officers that the investigating is carried out without

properly following the procedure prescribed under Section 50 of the NDPS Act, the Director General of Police, Haryana is directed to file an affidavit regarding instructions/training imparted to the Investigating Officers who are conducting investigations of the cases under the NDPS Act.

List again on 26.03.2019.

Affidavit be filed on or before the next date of hearing.

In the meantime, the petitioner is directed to be released on interim bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.”

Status report by way of affidavit of Senior Superintendent of Police, Jhajjar filed in the Court today, is taken on record and as per this affidavit, departmental proceeding is initiated against ASI Dilbagh Singh.

In view of the above, the present petition is disposed of and the order dated 15.01.2019 passed by this Court, granting interim bail to the petitioner, is hereby made absolute.

[ARVIND SINGH SANGWAN]
JUDGE

28.05.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No