

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

221)

Crl. Misc. No.M-26526 of 2019(O&M)

Date of Decision: 16.09.2019

Manjit Singh alias Bittu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Ranbir Singh Sekhon, Advocate, for the petitioner.
Mr. APS Gill, DAG, Punjab

Amol Rattan Singh, J. (Oral)

By this petition, filed under the provisions of Section 439 of the Cr.P.C., the petitioner seeks the concession of 'regular bail'.

Pursuant to the order of this Court dated September 10, 2019, learned State counsel submits that as regards the personal search conducted on the petitioner on the date that he was arrested, as has been referred to by the learned counsel for the petitioner, it was only a search that is conducted after an arrest is made, and as such it would not be related to the recovery at all and consequently the offer to be made for the search to be conducted before a gazetted officer, (even as has been held by the Supreme Court on the touchstone of Section 50 of the NDPS Act, 1985), is not applicable to the present case.

However, in my opinion at least for the purpose of granting bail to the petitioner, even though the search was conducted only after the arrest was made, such search would seem to be in terms of Section 100 of the

Cr.P.C., which provision is also referred to in Section 50 of the Act of 1985.

Therefore, with him also not stated to be involved in any other criminal case, even as per the learned State counsel on instructions received from ASI Balwinder Singh, and he also not having misused the concession of bail earlier granted to him, and with only 2 witnesses out of 11 having been examined as yet, I deem it appropriate to admit the petitioner to bail during the pendency of the trial.

Consequently, without making any comment on the actual merits of the case, for or against the petitioner, this petition is allowed. The petitioner would be enlarged on bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

16.09.2019
vcgarg

(Amol Rattan Singh)
Judge

Whether reasoned/speaking: Yes
Whether reportable: no