

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

CRM-M-31803-2019

Date of decision: September 30, 2019

Jagdish

....Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Chand Ram Olla, Advocate
 for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This is the first petition filed by the petitioner for grant of regular bail

Counsel for the petitioner submits that as per the allegations in the FIR, the petitioner was apprehended by the Investigating Officer/ASI Randhir Singh, who gave him a notice under Section 50 of the NDPS Act and when the petitioner reposed confidence in him, he conducted the search and completed the entire investigation. Therefore, no second Investigating Officer was called for. Counsel for the petitioner further submits that the recovery is non-commercial and the petitioner is in custody for the last 05 months.

Learned State counsel has filed the custody certificate and as per the same, the petitioner is involved in one more case under the NDPS Act, however, he is on bail.

Learned State counsel, on instructions from the Investigating Officer as well as on the custody certificate, has not disputed the factual position.

Without commenting anything on the merits of the case, considering the submissions made by the counsel for the petitioner and the statement of the learned State counsel made on instructions from the Investigating Officer, this petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

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.

September 30, 2019
satish

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No