

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

**CRM-M-36028-2019
Date of decision: 01.11.2019**

Sandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Parvinder Singh, Advocate
for the petitioner.

Mr. Jagmohan Ghuman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 90 dated 14.06.2019, registered under Sections 22 and 29 of the NDPS Act, 1985 at Police Station Fatehgarh Sahib.

Learned counsel for the petitioner submits that as per the allegations in the FIR, ASI Kaur Singh apprehended co-accused Simranjit Singh @ Baaz and after giving him a notice under Section 50 of the NDPS Act, in which, he reposed confidence in him, ASI Kaur Singh conducted the search and recovered 15 injections of *Buprenorphine*. Hence, the Investigating Officer has not followed the proper procedure during investigation.

Learned counsel for the petitioner further submits that later on the petitioner was named in the present case on the basis of the disclosure statement of aforesaid co-accused and the petitioner is not involved in any other case.

In pursuance to order dated 04.09.2019, learned State counsel has filed the affidavit of S.S.P., Fatehgarh Sahib. A perusal of the same shows that some disciplinary action has been taken against IO/ASI Kaur Singh.

Learned State counsel, on instructions from Baljinder Singh, does not dispute the factual position as submitted by learned counsel for the petitioner and submits that investigation is complete and challan stands presented.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the petitioner and also in view of the above affidavit of the S.S.P., Fatehgarh Sahib, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

01.11.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No