

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

CRM-M-41086-2019 (O&M)

Date of decision : 30.09.2019

Mittarpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.S. Bhatia, Advocate for the petitioner.

Mr. Surinder Pal Singh Tinna, Additional A.G. Punjab.

ANIL KSHETARPAL, J. (ORAL)

Petitioner prays for grant of regular bail in FIR No.55 dated 14.06.2015 registered under Sections 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, at Police Station Chohla Sahib, District Tarn Taran.

Learned counsel for the petitioner submits that the Investigating Officer was not competent to carry out the search and seizure and further investigation as he was only Assistant Sub Inspector on ad hoc basis. He submits that as per the Notification, only police officials of the rank of Assistant Sub Inspector or above can carry out the investigation. The alleged recovery from the petitioner is 100 grams of Diphenoxylate.

As per the custody certificate which has been filed today in the Court, the petitioner is not involved in any other case. Petitioner was

granted interim bail waiting for report of Forensic Science Laboratory in 2015. On the receipt of report, petitioner had surrendered and is in custody since 29.07.2019.

Without commenting on the merits of the case and keeping in view the aforesaid facts, the petitioner is directed to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, the present petition is allowed.

30.09.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No