

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

**CRM-M-45907-2019
Date of decision: 05.11.2019**

Dalbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ashok Giri, 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. 72 dated 09.06.2019, registered under Section 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Kartarpur, District Jalandhar (Rural).

Learned counsel for the petitioner submits that co-accused of the petitioner, namely Tarsem Singh, has already been granted concession of regular bail, vide order of the even date passed by this Court in CRM-M-41703-2019. The operative part of the order reads as under:

“On 03.10.2019, the following order was passed;

“Counsel for the petitioner submits that as per the allegations in the FIR, the police party headed by SI Inderjeet Singh, apprehended two persons i.e. the petitioner – Tarsem Singh and the coaccused – Dalbir Singh and thereafter, in the presence of the his colleagues, he conducted the search of the bag held by the petitioner – Tarsem and recovered 2050 intoxicant tablets and thereafter, he conducted

the personal search of the co-accused of the petitioner – Dalbir Singh and recovered 900 intoxicant tablets. Counsel for the petitioner has further submitted that despite the fact that the personal search of both the accused was conducted but no notice under Section 50 of the NDPS Act was given. It is also submitted that even the second Investigating Officer was called after the recovery was effected and the remaining investigation was also conducted by the same Investigating Officer, who himself is the complainant. List again on 22.10.2019. The Senior Superintendent of Police, Jalandhar (Rural) is directed to file an affidavit before this Court on the adjourned date after verify the investigation of the case. Till the next date of hearing, the petitioner is directed to be released on interim bail subject to his furnishing bail/surety bonds.”

In compliance of the aforesaid directions, an affidavit of the S.S.P., Jalandhar (Rural) was filed and the same is on record. In para 4(III) of the affidavit, it is stated that Inspector Inderjit Singh has not prepared the consent memo of the accused before effecting recovery as per the provisions of Section 50 of the NDPS Act and has also not called a second investigating officer at the spot. Accordingly, a recommendation has been made by S.P. (Hq.), Jalandhar (Rural) for initiating disciplinary inquiry against Inspector Injderjit Singh, which has been approved by S.S.P., Jalandhar (Rural).

In view of the same, the present petition is allowed and order dated 03.10.2019, granting interim bail to the petitioner, is made absolute.”

Learned counsel for the petitioner further submits that the petitioner is a first offender and he is not involved in any other case.

Learned State counsel has not disputed the factual position as stated on oath in the affidavit of S.S.P., Jalandhar (Rural).

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the case of the petitioner is on similar footing as that of co-accused Tarsem Singh, who has already been granted concession of

regular bail; 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.

05.11.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No