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

224) Crl. Misc. No.M-53086 of 2019(O&M)
Date of Decision: 18.12.2019

Pardeep Singh @ Deep

.....Petitioner

Versus

State of Punjab

…Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Saurav Bhatia, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

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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'.

Though the petition earlier fled by the petitioner (CRM-M-39966 of 2019) seeking the concession of bail in the context of the same FIR registered against him, was dismissed at that stage, on 24.09.2019, on the ground that there were other cases shown to be registered against him, with him having absconded on one occasion and that he ought to have surrendered thereafter but instead had to be arrested, today, learned counsel for the petitioner has produced in court an order passed by a coordinate bench, dated 12.12.2019, in CRM-51714 of 2019 (also filed by the

petitioner), admitting the petitioner to bail in the context of FIR no.46 dated 17.03.2015, registered against him at Police Station Division no.1, District Jalandhar, alleging therein the commission of offences punishable under Sections 399 and 402 of the IPC.

He further points to Annexure P-3 with the petition, which is shown to be a consent memo whereby he agreed to being searched by the officer apprehending him, i.e. ASI Harjinder Singh, after an option was given to him, to be searched by a Gazetted Officer.

While actually denying the entire recovery completely, learned counsel submits that even as per the consent memo; it does not show that the petitioner was informed of his right to get himself examined from a Gazetted Officer or a Magistrate, but was only given an option as to whether he wishes to get his personal search conducted from them or not.

He further submits that the quantity of heroin allegedly recovered from him (as per the case of the investigating agency), is also well below the commercial quantity, being only 50 grams, with commercial quantity being above 250 grams.

Without making any comment on the actual merits of the case, for or against the petitioner, in the aforesaid circumstances, 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.

18.12.2019 **(Amol Rattan Singh)**
Satyawan **Judge**